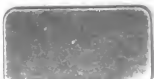
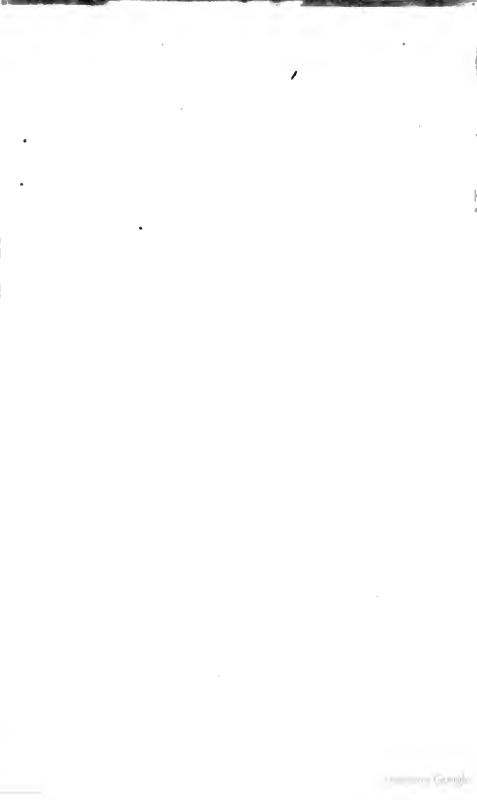




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3. *A Letter addressed 'A sa Majesté l'Empereur Alexandre II. Un Slave.'* Published at Brussels, anonymously.

THE attention of Europe has during the last few years been much engaged by Prussian military organisation and the political greatness achieved by that country as a consequence of the improvement of her armies. All Governments have felt that a model has been set up before their eyes, the study of which was necessary to the sense of national security. The efforts made in France during the last years of Imperial rule for the purpose of placing her military establishments on a broader basis, and so to amplify the means of French aggression, have not altogether passed out of our recollection, notwithstanding the stupendous events which have overwhelmed the imagination during the last year. Austria has not been left behind in the race of improvement. Turkey and Italy have alike yielded to the same impulse. We ourselves have not been backward in the preparation of military change. In short, the feeling has been general that new proportions and new forms are wanting and must be had in the array of military forces. The acknowledgment is made and practically acted upon, that the direction of international policy is no longer what it was before the war of 1854. Each State appears now to rely alone on its own power and consequence,

and to have lost faith in the effect of the relations which used to bind the community of European nations.

While the doings of all other countries were thus coming under observation on account of their pronounced character, comparatively small attention was till lately bestowed on Russia with respect to military and political reform. This Power had ceased for several years to attract notice in the discussions of European politics. Russia had lapsed into a strange and unusual diplomatic silence since the Peace of 1856. She appeared in foreign eyes to be entirely devoted to internal reforms of a character to raise a vast population from the position of serfdom to liberty and the free possession of property,—reforms which did not hesitate to deal in the most sweeping manner with what had been hitherto deemed the inalienable rights and privileges of the higher classes. The land was handled by the State in the interests of the whole community and of the particular measure of change in a manner startling to those who take their notions of national business from the proceedings of the British Parliament, when dealing with questions of class and property. While these changes were in progress, others were impending, consequent on the life imparted to the people by the new reforms, and on the example of other Continental countries, but more especially of Prussia.

It may not be uninteresting to trace the military awakening of Russia after her long repose and apparent inactivity subsequent to her struggle with the Western Powers. We have it on no mean Russian authority, that for some years after the war in the Crimea, a general notion of defeat was abroad in Russia, to recover from which time was required. Under this notion of defeat lay the still broader idea that the great Russian nation had been overmatched—that more had been attempted than the country was equal to. This was attended by a feeling of political hopelessness and the paralysis of aspirations pointing to an ambitious foreign policy.

The want of rest was at the same time felt by the military administration. Recruiting was intermitted. Regiments were allowed to sink far below their usual strength. The fatigue of the nation was thus publicly acknowledged by the governing authorities, and time was allowed for recovery. But while admitting the lassitude of the people and of the administration in military affairs, it is certainly true that no signs of this were visible in the discharge of the great functions of Government for the development of internal reform and resources in almost every manner that could be named.

Allusion has already been made to the immense measure of the enfranchisement of the serfs by which the reign of Alexander II. will be distinguished for all time to come. If we would rightly estimate the practical bearings of that measure, we must think of something beyond its domestic results. We should consider also what are its consequences with regard to the prospects of Russia beyond her borders; in other words, how that change is likely to affect her foreign policy. Thus, it is now felt throughout Russia, and the fact is dwelt on with the utmost complacency by her writers, that the emancipation of the serfs has, as it were, caused the pulse of her national life to beat in a manner hitherto unknown. Whereas before, the people of Russia were but as a drove of cattle obeying the whip of the driver, they are now influenced by a national sentiment. They say further, that the nation is so young, is so fresh in its feeling, is so little disturbed by the distracting influences which fatally affect the strength of the Western Powers, that this national sentiment, developed as it now has been, and pervading as it does a people who for the first time enjoy the sense of individuality, is a source of a new power to Russia with reference to extension, whether through the sympathy of race or by the amplification of territory.

Such would appear to be the language which has been held for some years. Travellers tell us that the awakening from the state of lassitude and hopelessness following on 1856 is thorough and complete. The measure of emancipation having been executed, the fatigue of the late war having been forgotten, time and opportunity are afforded, and a stimulus is given to the Government to follow the military and diplomatic bent which since the days of Peter the Great has been the characteristic of Russian policy and administration.

Russia has reached a new epoch in her history. At length, in giving free scope to the tendency towards extension, the Czar does but follow the bias evinced by the people in the strongest manner. He moves in the direction indicated by public opinion in the discussions of the press. If we except the kingdom of Poland, the press in Russia has long had a freedom till lately unknown to other countries on the Continent of Europe. Any attempt at interference with this which may have been made at St. Petersburg, and such attempts have not been wanting from time to time, has met with but little success. The writers of Moscow have indeed been in a position to make terms with the Government; in short, to have their own way generally, notwithstanding occasional bureaucratic opposition.

Although these writers may have been sometimes inconvenient to the Government of the day, there can be but little doubt that the education they spread abroad, the never-ceasing glorification of the Russian name and power, the biting criticism of the institutions belonging to a state of society built on the past of serfdom in the lower classes and an utter dependence on the will of the Czar among the higher ones, have conduced in no slight manner to form the public opinion which gives life to the sentiment of national power and pride consequent on the emancipation. The administration of the Czar receives the full benefit flowing from such a state of things. It now feels that it relies on a basis of educated intelligence as distinguished from the solitary fact of a blind and stolid obedience. How this is likely to operate for the development of military power, we can judge from what goes on among ourselves. Thus, so soon as a people declaring the necessity of military extension, whether from motives of ambition or from a sense of insecurity, takes its foreign policy and the management of its military affairs into its own hands, but little more is heard of economy and the hardships of military service. The popular voice quickly shows itself to be more potent than the silent consultation and decisions of absolute government. In no country have we seen this truth illustrated with more force than in our own. The application of it has, if we are rightly informed, begun with no slight significance in the empire whose affairs we are considering.

Although the measures taken for the purpose are naturally obnoxious and odious to those living outside the Russian dominions, it is not difficult to understand, when Russian affairs are contemplated from the foregoing point of view, how it arises that the process of Russification of non-Russian provinces, as it is called, is considered a national duty by the old Russian party, the headquarters of which are at Moscow. The original annexation of Poland was an affair of Imperial ambition. This ambition was prompted by the desire to convert Russia into an European Power, and to establish a firm footing in the diplomacy of Europe. The prosecution of that policy has been followed up with invincible consistency and tenacity for 150 years. It was the effort of Imperial will and of the cabinets which influenced the minds of the successive Czars. Even very lately, that is to say, not more than fourteen years ago, evidence was available to show that it was by no means generally recognised in Russia, that the annexation of Poland had been a real advantage to that country. It was felt by many of the old Russian party that Russia Proper might lose

in importance as being merged in a great confederation welded together under the name of the Russian Empire. Thus an article is in our recollection which appeared in a Moscow newspaper in 1857, arguing that the liberation of the people from absolute government, and so forth, was fatally delayed, if not absolutely impeded, by the facts of the annexation of Poland and the consequent necessity of military repression in that province. It was said that in the interests of Russia as well as of Poland, the remedy lay in the separation of the two countries, and in leaving Poland to shift for herself. The expression was used that Poland was as the *boulet* attached to the heel of the convict, and that the convict could not hope for self-assertion until he had rid himself of the *boulet*.

All this seems now to be changed. Except among the Poles themselves we do not hear of a party which desires, or even hints at, the expediency of depriving Russia of provinces the acquisition of which has cost so much blood. The retention of Poland and, if need be, its forcible repression, depend now on the national decision. The process of Russification is ruthlessly proceeded with, this being, so to speak, an expression of the national will rather than of mere Imperial policy. It is perhaps not too much to say that we here perceive the first great result of the abolition of serfdom on what may be called the foreign policy of Russia. For the original seizure of Poland and its strong military occupation were the salient points of her foreign policy during the last century, and, as will be indicated hereafter, form the basis of her action towards central and southern Europe in the present one. Indeed, to such a pitch have risen the aspirations of the national party, that many of the leading men have of late years persistently urged on the Government the necessity of applying to other provinces than Poland the Russifying process. Thus is sought to be reversed the prudent policy, which has generally left to conquered provinces and alien races the institutions and laws to which they had been accustomed prior to their absorption into the Russian Empire. The Russian Government has perhaps yielded to this pressure more easily than is consistent with what is due to her engagements towards those provinces and to their superior civilisation. We do not propose, however, to enlarge on this point of the domestic policy of Russia, it having been alluded to merely to show the bias of the public mind of the country since the people began to take a share in the direction of their affairs which, as might have been expected, tends directly to increase the solidity of the old Russian or national party

Side by side with the measures necessary for enfranchisement, a great material prosperity has been proceeding in Russia. Her revenues have increased in an extraordinary manner, her expenditure having, however, year by year exceeded her annual resources. Notwithstanding her chronic deficit, no country in Europe—indeed it might be said, or in America—displays a more rapid increase of wealth and all that serves to produce it. This is proved alike by the statistics of domestic and foreign trade. We need hardly remind the reader, who notices the operations of the Russian Government on the exchanges of Europe, of the great railway development which has taken place during the last few years. Railway enterprise, originally initiated by the will of the Government, has now, as in other countries, come to be prosecuted by the population. The first great railway between St. Petersburg and Moscow was completed in 1851. Since then three state railways have been opened for public traffic, and not less than eight private ones. On the 8th of January, 1869, a ukase was signed for the construction of eight more lines. The latter, designed at the instance of the military authorities for strategical purposes, will open new roads into vast districts, thereby affording an outlet for produce; the political and commercial interests of the country being thus made to march together.

Such, then, is the broad basis of national reform, of material development, and of popular sentiment on which the politicians of Russia take their stand. This it is on which the Government of the Czar is able to proceed when declaring a military policy which regards a free population in the place of a system founded on aristocratic privilege and subservience in the higher ranks and serfdom in the lower ranks of the people at large. This it is that brings forward such writers as General Fadejew on the military power, the war policy, and the vast potential resources of his country, which he wishes to apply for the purpose of domination over Europe in the sense of an aggressive foreign policy. To the consideration of his pages we now turn. Their publication has not only exercised much influence in Russia; they have been translated into German, and are held to be a warning of what united Germany may at some future time be expected to encounter from her great neighbour. This volume is a revised collection of critical treatises which appeared in 1867 in the '*Russki Westnik*,' or Russian Messenger, a literary political monthly review, edited in Moscow by Katkow and Leontjew. The name of the first of these editors is well enough known in England to show to us what would be the uncompromising character of

Fadejew's opinions, and with what boldness they would be given to the world. Accordingly this character is discovered in every page of his composition, which in its audacity as being directed against the failure of existing institutions, and towards the exercise of authority in high quarters, is certainly not exceeded by the public criticism of this country. It is not, however, the boldness of contemporary criticism which gives its great value to the publication of General Fadejew's opinions. He brings to bear on his subject of military reform an accurate practical knowledge of the army in which he has risen and served. An ardent reformer, he is at the same time an opponent of the Ministry of War engaged, as that ministry is, in the prosecution of searching reforms. At the same time General Fadejew is able to write with an extraordinary freedom from professional bias and technical pedantry.

Before proceeding to consider the *personnel* of the Russian army, we may reflect for a moment on the great natural advantages possessed by Russia in respect of strategical position, of the configuration of her boundaries, and of the population existing within them. And first with regard to strategical position. The year 1812 gave the evidence that whatever the military genius and concentration of war power which might be directed against Russia, the invasion of the country, owing to immensity of area, to sparseness of population, and to climatic causes, could only result in the ultimate discomfiture of the invading armies. The Russians say, with satisfaction, that the successful invasion of any country west of her own frontier may be followed by its indefinite occupation or its absolute ruin. Such consequences cannot result to Russia herself from an unsuccessful war. The utmost that can happen to her, as was seen in 1855, is that her resources can be so exhausted, that it might be expedient and prudent, in a political as well as military sense, to make peace. She might have the worst of the conflict, and therefore find it wise not to shrink from considerable sacrifice at the particular moment to effect a truce, trusting thereafter to the healing effects of time for the reparation of damages and the recovery of any advantages which might have been given up when peace was desired. We may take it as proved by the events of 1812, of 1855, and 1870, that this theory is a correct one. The worst that can happen to Russia in consequence of unsuccessful war is a temporary stoppage of European influence. She never can incur real national risk such as that which threatened Austria after the battle of Sadowa, or what we have seen to have overwhelmed

France in the war lately terminated. This consideration has an extraordinary bearing on the object of the military development which will be touched on in a subsequent page.

The difficulty to be encountered by the invading armies in 1812 was, perhaps unconsciously, turned to account by the Allies who assailed Russia in 1854. The conditions of the strategical problem were, so to speak, then reversed. The Allies induced the Russians to fight out the battle in a cockpit on the Black Sea, situated at great distances from the reserves of men, materiel, and commissariat, with which the army engaged with the Allies had necessarily to be reinforced. Thus it happened that both in the transport of materiel and other supplies, and in bringing the reinforcements to the distant point, there was an enormous waste of resources of various kinds. Indeed, according to the information with which everyone was acquainted in the years immediately subsequent to the Crimean War, the loss of men by death and disease was alarming as a matter of humanity, whilst the waste in the country in excess of what was actually provided for the troops, was very feelingly described to us by many of the great proprietors whose estates had suffered both in men, horses, and the products of the land. Perhaps such causes, which fatally operated against the further prosecution of the war on the Russian side, were more potent towards compelling the Russians to sue for peace than any damage done by shot and shell in the small arena chosen for conflict by the Governments of the Allied Powers.

We cannot doubt, then, that to a certain degree the strategical conditions of the Russian Empire which consummated the ruin of Napoleon the First in 1812, militated against Russia in her contest with the Allies in the years 1854 and 1855. But since those dates things have changed in Russia. The military recovery might be delayed, but, as we have seen, the Government has never lost sight of the absolute necessity of so placing the railway communication of the country on a footing common to the other countries of Europe as to preclude the future possibility of having to contend with disadvantages resulting from the extent of the Russian dominions. If conflict again occur with an alliance directed against Russia, the Minister of War will have it in his power to push armies from one end of the empire to the other with the utmost despatch. The many reserves will thus be in immediate support of the front lines of the forces facing the enemy by means of the completed system of railways. This, then, is the great strategical change which has taken place since the Crimean War, and which is independent of the growth of her other resources and of the develop-

ment of wealth. By means of this novel condition Russia has gained a new power for self-defence in the first instance and for aggression in the second, the value of which it is impossible to over-estimate. Illustration of this plain truth is needless. The experience of the great American War, and of the manner in which domestic railway communication has been turned to military account by France, Prussia, and Austria, in preparation for the act of stepping over a hostile border, gives a fair measure of the great increase of power which Russia has recently created for herself. The strategical purpose of Russia in her system of railways, part of which is completed and part in course of being laid down, is stated in detail with much clearness by Captain Brackenbury, to whose pages we invite a reference for the better understanding of the subject.

The phrase has often been used that Poland, situated as she is with Russia in the rear, with Prussia on her right front, and with Austria to the south-west, forms a great bastion, which is directed against the peace of Europe. For Poland is not merely a bastion of defence, as such a work is held to be in a city which may wait for attack but which has no other purpose. Poland, on the contrary, is the military base from which the most formidable aggression may be directed, according to such policy as it suits the Government of Russia to entertain. This view is held by all Russian politicians, generals, and engineers, in short, by everyone who is likely to be consulted with regard to the direction of the military forces of the empire. The celebrated Paskiewitch, whose name was venerated in Russia till the time of his death, very much as that of the Duke of Wellington among us, based his advice to the Czar Nicholas on this view. General Fadejew states the argument with regard to it more than once with much force and precision. He dismisses the notion that Turkey or the Black Sea can ever again be the theatre of a great struggle demanding the application of all the resources of Russia, as was seen in 1854 and 1855. He says, boldly, should the occasion arise of again pressing the Turkish question in the only sense in which that question has been conceived by the Russian Government since the days of Catherine the Great, that the operation against Turkey herself would be but a secondary affair. The real struggle would take place in central Europe.

In short, amidst the arrangements he contemplates with reference to the sea borders and the possibility of such dangers as might occur from the action of Maritime Powers, he clearly estimates the value of those Powers at something which we may perhaps measure by what has recently taken place. An

important experience was gained in the late war in the Baltic Sea. The French, with a loud flourish of trumpets, despatched a fleet for the purpose of operating, and doing such mischief as it might, against the German coasts and seaports of the Baltic. It was originally intended, before the early break down of Wissemburg and Wörth, that the French squadron should convey an army of debarkation of some 60,000 men, under the orders of the Comte de Palikao. The shipment of this force did not occur, because of the early disasters of the campaign, but the French fleet proceeded to the Baltic. As is well known, with the exception of shutting up the commerce, that fleet was able to effect nothing of substantial importance. The direction of the naval force of France has since then been somewhat hastily blamed. But it is tolerably clear that a fleet, unassisted by a very numerous army, and directed away from the general combination, where the real struggle is proceeding, cannot effect operations of a positive character against a seaboard such as that presented by Northern Germany. The isolated fleet may at great risk attack a harbour or two, engage in a duel with a fort, or cut out shipping. But such operations, while they may be pleasing to the vanity of the nation concerned, and applied by statesmen for the purpose of stimulating patriotic feeling, and maintaining warlike ardour, have no significant effect on the prosecution of a great war. Their results are almost null for the purpose of impeding the onward march of the armies which are charged with the duty of continuing the struggle on the vital point. This view was absolutely recognised in the leading military circles in Prussia, before the first shot was fired in 1870. It was, we believe, acted on in the councils of Count von Moltke when, owing to want of immediate preparation, the Germans were expecting the attack of France. Fadejew having reached similar conclusions proceeds to say that it is vain for Russia to waste large resources on the construction and maintenance of fleets. He makes no concealment of his opinion that the navy of Russia is but an artificial contrivance which, at all events under present circumstances, is little suited to the genius of her people in the prosecution of a large policy. The conditions of the Baltic Sea on the north, and of the Black Sea in the south, which since the springing up of the German power are not altogether unlike for the prohibition of Russian naval extension, afford a natural bar to the supremacy indicated by the designs of Peter the Great. Those designs have been steadily followed for a long time. Large fleets have been built and maintained; but no particular result of national power has

ensued. The Russian fleets have never added to the lustre or the prestige of Russian arms. If this has not happened hitherto, under the more favourable conditions of the Baltic on the one side, and of the Black Sea on the other in former times, a different result can hardly be expected now that Germany begins to appear on the political horizon as a naval Power. The latter is likely, at no distant date, to command the outlet of the Baltic. Turkey in the south has achieved a naval position of far greater importance than was ever known in her previous history. Had these views proceeded from an English or German critic, they might have been open to question, as issuing from a hostile source; but the pages in which we discover them, prompted as they are by the strongest desire for the development of the warlike power of Russia, and by the intention of an aggressive policy, are indeed beyond suspicion.

We have then the fact fairly before us, that the most enlightened generals and statesmen of the last generation are followed by those of the present time in considering that the vast mass of the Russian armies finds its place on the western frontier of Russia. From this the province of Poland stands forth as a great bastion of offence directed against the breast of Europe. It threatens alike Germany on the one side and Austria on the other. The consistency of policy, and the tenacity of purpose, which have characterised Russian government and administration since the days of Peter, are visible in the manner in which the theory thus stated is being executed in practice. The expenditure in support of the schemes for the strategical connexion of the provinces is without limit; this being apparent in the completion of the first-class fortresses, in addition to the railway system, which convert Poland, on an immense scale, into such a Quadrilateral as that which maintained Austria in a position of successful defiance towards Italy. For the details necessary for the full comprehension of this part of the subject, we must again refer the reader to Captain Brackenbury's pages. It may be mentioned that the Russian fortresses have received every improvement that could be suggested by the genius and experience of Todleben. Reasoning from the facts of modern gunnery, and from his own practice in the defence of Sebastopol, this distinguished engineer has applied what may perhaps be called the Todleben system of fortification. This has been generally adopted in the fortresses of Russia. Mödlin is described by Captain Brackenbury as an ideal fortress. To use his striking language:—

‘It is not a fortified town but a fortress pure and simple. All the

people living in it are soldiers or those who live upon soldiers. Hence no starving families could torture a commandant with their prayers. No burghers ill-disposed to the Government could rise against the garrison. Huge, silent, and grim, Mödlin is almost untrodden by the foot of a stranger. In the ungracious exclusiveness and vast proportions, in the heterogeneous nature of her component parts, designed to threaten as well as defend, she represents not unfaithfully the heavy sullen Power of the North, which broods over Europe biding her time.'

The third point of natural power which has to be considered is the population of the country; and how far Russia may give cause of alarm to her neighbours, for reasons showing a difference under this head from other continental nations of Europe. We shall now give the cultivated Russian opinion, which must be taken *quantum valeat* by the reader; for our own part, we should say it is not far from the truth:—

'In her resources for war Russia has advantages not possessed by any country lying to the west of her frontier. There is no other great State which is not compelled to adhere by its historical conditions to some particular or exclusive military organisation. Thus England has her army dependent on voluntary enlistment. France relies alone on a standing army, Prussia on a popular militia, which has been disciplined and trained into all the conditions of an army not only capable of the defence of the country but, as has lately been seen, which is equal to the most formidable aggressive purposes. The army of Russia, on the contrary, is not tied down by its traditions or any special respect to customs or political exigency. On the contrary, no single exclusive system could suffice to meet the demands of the country. The sources of Russian national power are of such different kinds, that each requires a particular treatment for its development. It is in the combination of the numerous independent institutions, and in their proper application, that Russia can expect to obtain a full mastery over all the power to be found in her. Russia has not yet been shaken in her political wholeness and integrity. There is but one heart and one dynasty in the empire, and the heart beats in unison with the dynasty. The organisation of Russian life rests on public confidence, and requires no support from military force. The army of Russia is at present free from any connexion with police duties, the consequence being that the military organisation is entirely independent of alien considerations of a political nature. In this may be found, as compared with others, an inestimable advantage on her side. Since the emancipation of the serfs, the numbers, the organisation, and the hierarchical disposition of the standing army are determined alone by the living spirit of the mass of the Russian people, and by the statistics of her population. There is little occasion to think of careful combinations and measures of foresight with reference to the people. The whole interior portion of the empire, including four-fifths of the State, may, in case of a war, be absolutely divested of troops with the exception of the guards of the

jails. Thus is Russia in a position to concentrate the whole of her forces for the execution of her policy in a manner which might be difficult, if not impossible, in other countries. It is not forgotten in Russia that the Moscow Municipality of 1863 proposed to organise a guard of the inhabitants to permit of all the troops being sent to the frontier. For the defence of her borders in addition to her standing army, Russia disposes of a powerful popular armed power, which is applied in England by the volunteers, in the militia system in Switzerland and of America, but which is strange to the other countries of Europe. The latter dare not place arms in the hands of their citizens, unless they have been converted into soldiers. We have seen how carefully the highly popular Italian Government watched her volunteers. Prussia alone of continental countries has recourse to a militia, but then it is a militia trained and converted to the condition of a regular army; indeed it is a part of that army. In Russia during this century, the militia, "*Opoltschenie*," have been three times called out, that is in the years 1807, 1812, 1855. No great war will ever take place without again having recourse to them as a reserve, for the defence of outlying boundaries, the guarantee of coasts against the troops of a maritime Power seeking to cause a diversion in favour of its allies which might be engaged in the principal struggle, the guard of fortresses, and so forth.

Although every province in Russia is held to be liable to furnish its military contingent; and notwithstanding that, according to our Western views, lately conquered provinces might be held to be imbued with a strong anti-Russian spirit, and therefore to fail in military duty in the hour of trial, this does not seem to be true in practice. In the quoted opinion it is broadly stated that four-fifths of the empire may be divested of troops when the country is engaged in serious war. The great fortresses in Poland and in the Baltic would have to be occupied. But the occupation would fall on troops of an inferior description, or on militia not destined to act in the front line. Consequently, in the performance of such a duty may be found an appropriate place for the application of troops to which suspicion might attach. It is true that the elements of the Russian armies present a heterogeneous character. They include the natives of provinces believed by the Western world to be in a state of chronic dissatisfaction, which at times expresses itself in open revolt. Yet according to our knowledge of the action of Russian armies, we never hear of treachery to the standard in a Russian regiment. Nor does intelligence reach us of disappointment to a Russian commander in the field, because of lukewarmness amongst his men, or of misconduct springing from non-military sources. We do not know of any example of such want of harmony among the different nationalities serving in the same army under a Russian general,

as is alleged to have been seen in the Austrian forces during their late war against Prussia. The reasons of these facts of the Russian system comprehend many points demanding close investigation. Thus how much may be attributed to the operation of a consistent military method, or to the enormity of the mass into which the recruit is thrown on his coming from a disaffected province? It may be asked, if it be the influence of regimental feeling in which the original national tendency is fused, or does the Russian process of assimilation depend partly on the uncivilised character of the people at large, and partly on a docility that helps to produce such consequences? The suggestion may occur that the Russian institutions, oppressive as they may appear to half-informed Western opinion, do not present in practice to the people concerned the points of difficulty and annoyance attributed by others. It may be that much that we hear of the extreme poverty of many millions of the poorer classes, whether in town or country, and of the fact that, as in China and India, these millions exist on the thin line separating mere subsistence from starvation, is true in the main; and therefore that it exercises no slight effect on the willingness of the people to abandon homes which present but little charm or sense of security to them. If, as will be seen hereafter, the tendency of the army is to improve the lot of the individual soldier, such feelings cannot fail to grow in strength, and still more to reconcile large sections of the population to a forced service under the State, and indeed to prefer it to a miserable existence in the country where they can no longer claim by law protection from starvation at the hands of the great proprietors. It is probable, then, that the military consistency of the masses of the Russian armies is not the effect of one particular cause, but that it owes more or less to the several motives that have been indicated. We would further hazard the opinion that this military consistency is but the type and the expression of the harmony and the oneness characterising the Russian Empire from end to end for political purposes. Is it not true that the sense entertained by foreign countries of this political unity within the circle of the Russian borders, lies at the root of their fears, as the acknowledgment of it is the cause of exultation at home?

We have somewhere seen the expression that although the evidence of lassitude evinced by the Russian people after the Peace of Paris is a sufficient sign that the power of Russia for war was then comparatively feeble, and therefore not to be

dreaded by Western nations, nevertheless all who have made themselves acquainted with Russia on the spot, with the growing strength of her military forces, and with the military spirit again becoming prominent, speak with bated breath of the immense organism now developing before the eyes of Europe. This is, after all, but the counterpart of the opinions of the Russians themselves, whether illustrated in their popular prints or in pages of a graver character. For they say alike, do not think we are to be estimated by what took place in former wars, and more especially in the most recent one. Peace was then made for our convenience, but not as an absolute necessity of the pressure put upon us. The resources brought into operation in that last struggle, and on previous occasions subsequent to the death-wrestle with the first Napoleon, were combined according to such means as existed for the purpose. But how imperfect were those means of combination. How little could one part of the empire be brought into communion with the other parts. One section of this great country was left, so to speak, to shift for itself, while other portions of the vast mass lay almost inert. In short, Russia might be compared to a great creature, still, as it were, in embryonic form, a vital force of wonderful character lying potential within her frame, but as yet hardly animated.

Since 1855 this can be no longer said. For as briefly shown in the foregoing pages, whether socially or physically considered, the vital power of Russia can be seen breaking forth in all directions. With reference to the points of military development, of intercommunication between the provinces for defence, of the general application of the people for Imperial purposes, and of the prosecution of a national policy, the empire is one. The difficulties of space have been obliterated. The furthest extremities of the empire are in immediate connexion with the centralising and guiding power.

Such, then, is the change which has come over Russia as a country, which influences the population, which causes the process of Russification in the latest subdued provinces to advance with an accelerated motion and a more assured certainty of success. These are the facts which should attract the attention of Western Europe. These influences—some moral, some physical, and some artificial—are all conducive to one end. They have a potency unknown to the mere forms of military organisation, to the mere regularity of a military array, to the mere numbers of military forces. We see, under these circumstances, something in the moral aspect of Russia

that reminds us of the attitude the United States of America have been able to preserve towards Europe.

For the last thirty years the United States have displayed a force in their diplomacy, which has rested, not on the actual presence of armies and fleets, but on what was believed to be the capacity of the American people for war if they should be engaged in a great struggle. That capacity was seen to depend on the spirit of the population, their wealth, and the position of their country. In a certain way Russia may now be said to impose on Europe, by what it may be in her power ultimately to effect rather than by the actual strength of her military forces. This is true, notwithstanding the attention paid to the latter, and the determination to adopt the policy of the nations of Western Europe, and so to place her forces on a permanent footing equivalent to what may be arrayed against her by an European alliance. Whatever value may be attributed to the speculation, we cannot doubt that the fact of even a partial belief in her latent strength and her great future as held by the Government and by the people is a lever of power of very special character, to observe the action of which becomes a duty of first-rate importance in the Cabinets of Europe. This part of the subject may be closed with the remark that the several populations of which the Empire of Russia is made up, present a numerical total more than double the aggregate numbers of any other single nation of the Continent.

The estimated strength of national forces must rest in all great countries on two important considerations. One may be called the domestic capacity for the formation of armies, and the other is the relative position of the State concerned in the general international system of the world. The former depends on a variety of circumstances, and is liable to vary with reference to social change, such as that which has been indicated in the enfranchisement of the serfs in Russia, to the advance or reaction of democratic influences, to the application in one country of what has been found to operate with success in another. To call on a country to make efforts on account of the second consideration, its relative position in the general international system, is a course frequently prompted by the example thus set to it by foreign plans of organisation, whether or not those plans indicate hostile designs against itself. If reason for alarm be afforded by their operation; if there be a fear in consequence of change of the relative international position; if, in short, the extraordinary development of a new power is felt to threaten domestic importance,—jealousy

cannot fail to ensue with the further results of demands for military extension and the restoration of that general influence with which no Government is permitted to part by a people still careful of its self-respect.

If notwithstanding the staidness of our modern demeanour, the facts of our insular position and our commercial tendencies, we feel very fully the force of such motives and compel our Government to act on them, we cannot be surprised that an empire comparatively young, caring little for the reasons which operate with us for insisting on peace and quiet, should do likewise. It follows that such an empire must turn its attention powerfully and practically to the modes in which the relative position in the international system may not only be maintained but amplified by the enlargement of the domestic capacity for military development. A few words may then here be said on the relative international position of Russia, as it appears to her leading statesmen and generals, with regard to the exertions she might be called on to make under circumstances not to be deemed extraordinary, but at times to be expected according to the traditions and precedents of the last seventy years.

These traditions and precedents show very clearly that the bias of Russian policy is aggressive, that Russia has little to fear from the attack of any single Power, but that she is liable to be assailed by an alliance of many Powers.

Under such circumstances her position is a false one, if, after having sustained a first attack, she is not able to pass from a defensive to an aggressive attitude. This was seen in 1812, when Napoleon led all the Continent of Europe against Russia. The ruin of the Grand Army of France, followed as it was by the dissolution of the Alliance forced by Napoleon on Austria and Prussia, and the union of the two latter with Russia, enabled the Emperor Alexander to adventure on an offensive policy, and finally to reduce the assailant who had occupied Moscow. But this great result was owing not to the inherent power of Russia and the skill with which that power was arrayed in the field, but to the vast changes consequent on the destruction of the Grand Army, the effects and their consequences being European rather than merely Russian, so soon as the remnant of the French army disappeared from the Russian soil.

In the last great war waged by Russia against an alliance—that of the Crimea—the attitude maintained by her was simply defensive, and assuming even that a greater success had attended the stand made at Sebastopol, Russia had not the

means with which to advance boldly from her position of mere defence to operations of counter-attack. To have been able to do this with safety, considering that in addition to English and Turks on both sides of the Black Sea, the Government of the Czar must have been provided with active armies to meet Austro-French forces, not less than 400,000 of trained troops in a state of mobilisation would have been required as distinguished from the dépôts and garrison battalions. These forces, we are sure, were not at the disposal of Russia at that time. But what would be the demand now in the face of the enormous development lately given to other European armies, of the liberation of Austria from all care for Italy, of the concentration of the whole German power under the eagles of Prussia, of the appearance of the Italian army of 250,000 men as a new item in the military system of Europe? It is indeed true that under present circumstances, where 400,000 men might have been formerly enough, 650,000 men now disposable for this particular purpose would not more than suffice. Such speculations, which were perhaps matter of political speculation before the Austro-Prussian war of 1866, have lately received the stamp of certainty. The recent efforts of Germany must have indeed placed them beyond all doubt as regards the interests of Russia if she would retain her relative position in the international system in any future struggle.

This, then, is the situation contemplated by the Russian statesmen. Russia is so strong in her geographical position and the number of her population, that no single Power is likely to risk a conflict with her. But a great European alliance may at any time be directed against her. The combative forces of the Empire must therefore be so arranged and reinforced as to enable her to meet this contingency. Otherwise these forces can only be considered insufficient for the national efforts, a disappointment of the expectations of the country, inadequate to her legitimate aspirations. No Russian attempts to conceal the opinion that his country has a great future before it, but that future is unattainable unless the proper and sufficient means should be provided. The people are very candid in the expression of their views. There are no qualms of national conscience as to the righteousness or sinfulness of war. All wars are justified in the Russian's eyes, if they satisfy what he holds to be the legitimate aims of his country. At times such wars may be defensive as being the results of a too hasty or too ardent pursuit of the national objects. But they are more often aggressive, whether as directed against Hungary, by

which the weight of Russian influence was imposed on the domestic affairs of Austria, and therefore, to a certain extent, on Europe at large; as against the Turks in the passage of the Pruth; as against the tribes of the Caucasus till they were finally subdued; as in the never-ceasing extension in the East and South of Central Asia, where, as Nicholas observed, boundaries do not exist; or finally, as in the absolute reduction and thorough fortification of Poland, the great bastion of offence against Germany and Austria.

The attitude of Russia is, then, one of constant menace to the nations on her eastern, southern, and western boundaries. It is meant to be so by her statesmen. The position is accepted with the utmost complacency and unanimity by her people. This attitude, unmistakeably evinced by her grasping and often insolent diplomacy, declaredly means aggressive war whenever that diplomacy may require to depend on something more than threats and influence.

It is evident that with such views, which are shared alike by the people and the leading statesmen, there must be many and large precautions at home while the grand army on the western border is massed in strength of 650,000 men. True it is that four-fifths of the Russian Empire can take care of themselves, that when a great struggle proceeds with Europe a vast portion of the country requires no troops except for the guard of fortresses and prisons. But there is nevertheless the other fifth which must be vigilantly watched, in which military precaution can never be relaxed, and this, notwithstanding that the process of Russification may have been successfully prosecuted in the provinces annexed, and that the latter may furnish numerous recruits to the armies. It is said, and apparently on undeniable authority, that the presence of very large forces was demanded in the Baltic Provinces during the Crimean War. The number of 200,000 was lately stated in an article by General Fadejew, published in the 'Exchange Gazette' of St. Petersburg, and he alleges, that in case of general war, a like number would be again required in that quarter. This statement is probably an exaggeration, and we prefer to take the general estimate as appearing in the volume under review rather than in a controversial paper which is directed against the existing Ministry of War.

With this passing observation, we believe we shall now best meet the wishes of the reader by an exact statement of the military wants, according to General Fadejew, as shown in his

* See 'Pall Mall Gazette' of April 12, 1871.

book in illustration of our more general remarks on the relative international position of Russia. It is necessary to bear in mind the distinction between the 'Active' and the 'Resident' armies when projecting the schemes of defence for the immense areas and the far-stretching frontiers and borders we are now contemplating. The former are the armies immediately fronting the enemy, the latter the troops to be left in occupation of the country when the active army is massed for action. When allusion is made to a division, it is to be understood that it comprehends 12 battalions of 1,000 men each. In the distribution of troops reference being made to infantry divisions, it is assumed that the subsidiary arms of cavalry and artillery will be in attendance in due proportion.

'Whatever enemy Russia may be called on to meet, it is tolerably clear that the concentration of the active Russian army will only take place on three points with regard to the well-known objects of a Russian military policy. The points are the kingdom of Poland, the banks of the Pruth, and the Turko-Asiatic frontier. Whether Russia be placed on the offensive or the defensive, concentration is alone possible on one or other of these points, or on all three at the same time.

'Between the kingdom of Poland, the Pruth, and the Turko-Asiatic boundary, and beyond the extremities of the lines, thus indicated, there are nevertheless hundreds of versts of open frontier and two great water basins, the Baltic and the Black Seas. The whole extent must be guarded from attack. An alliance against Russia, without the participation of a maritime Power, is most improbable. This fact of the participation of a maritime Power in an alliance against Russia, of which we have already had an example, places Russia in a position to which no other Continental Power is exposed. The absence of great naval forces wherewith to meet the contingency must cause a country with long open coasts to be ready to defend the latter against hostile disembarkation. The Empire of Russia presents coasts also which although belonging to Russia are nevertheless not Russian, such as Finland, Samogitia, and the Caucasus. On one of these coasts, besides, the capital is situated.

'The problem of defence thus presented can apparently only be solved by keeping ready considerable numbers of troops on each important point of the coast; that is, to occupy the coasts with extraordinary forces, which do not represent practical strength for offence but the performance of duties and of guard whilst the war lasts, and pending its duration such forces are immovable.

'In this manner would Russia have to garrison the coasts of the White, the Baltic, and the Black Seas, and in addition fourteen fortresses of the first rank and many smaller ones, which lie along the western and southern borders from Sweaborg in the north to Kertch in the south. The four great cities of St. Petersburg, Riga, Warsaw, and Odessa have then to be considered; and, lastly, beyond all,

Russia must think of occupying with corresponding forces the kingdom of Poland, the governments in the west and in the Caucasus, and to maintain quiet everywhere. After this statement we see clearly how colossal must be considered the resident forces of Russia in order to allow of the movement of her active army. . . .

‘It is evident that no State could possibly afford to maintain a standing army in peace time as well as war, which should be sufficient after meeting the exigencies of the active forces to satisfy the vast demands entailed on those of resident character. In these resident forces will be found naturally the depôts and the reserves in which the recruits are formed. Certain dangerous points, more especially on the sea coasts, would also be occupied by regular troops, the same forming a reserve to the actual army. Beyond this, however, it is neither possible nor expedient that the masses destined to garrison the coasts, the fortresses, the insecure provinces and posts in the interior should consist of highly proved troops. Russia cannot ever be engaged in an exclusively maritime war. In a great war conducted on land, the enemy would be too much employed to be able to direct large armies for disembarkation against her coasts. Young troops well armed and animated by the love of country are in general amply sufficient to withstand attempts of a more insignificant character, to guard her coasts and fortresses, to put down occasional insurrections, as for instance in the kingdom of Poland, to afford garrisons for hostile regions. Thus by the employment of such young and temporary troops, can the active army of Russia be made available for its proper purpose. As a consequence of the peculiar geographical position of the country, Russia requires a larger proportion of these temporary troops than any other country. The details may be thus approximately stated:—

	Divisions.
In Finland, for the garrison of the fortresses, the shore batteries and the reserve for the same . . . }	3
In Petersburg, Cronstadt, and the neighbourhood . . .	4
In the Baltic provinces	2
	<hr/> 9
In the western provinces a garrison for the eight western fortresses, including the citadel of Warsaw . }	4½
In the fourteen governments of the kingdom of Poland . .	7
Garrison at Warsaw	1
The Littoral of Lithuania	1
	<hr/> 13½
In the basin of Black Sea, garrisons of the fortresses from Benda to Kertch }	3
Protection of Bessarabia on side of the Danube	1
The reserve for New Russia and Crimea, against real attack }	2
	<hr/> 6

In the Caucasus, and to replace troops which would in time of war be abstracted from the Daghestan and Terio, and for the garrisons of the border fortresses and certain towns in the Musáلمان Trans-Caucasian districts	}	5
The garrisons of the coasts of the White Sea		
Grand total		$5\frac{1}{2}$

This total is equivalent to 400,000 men. To this General Fadejew would add, as a measure of precaution, the raising of an additional six divisions, or 80,000 men, to aid in the occupation of territory in the rear of the active army, the blockade of fortresses, &c.

‘ Thus would the total of troops hitherto called temporary, but really to consist of the militia of the people (or opoltschenie), amount in time of war to 480,000 men. These are the so-called resident troops, to whom the duty of holding their own country would be confided, while the active army was engaged in the front.

‘ It may now be said that had the last war against an European alliance been waged in 1868, it would have been necessary, with reference to the numbers at the disposal of Austria, France, Italy, Turkey, and England, to have placed 600,000 men of active troops in the army of the West; 100,000 in the army of the South, and 70,000 in the Caucasus, and on the coasts of the Black Sea and the Turkish frontier. Besides the resources above mentioned, it would probably have been expedient to occupy still more strongly the coasts of the Black Sea in rear of the army of the South, to have reserves at hand on the advance of the army of the West, and to ward off all chance of risk in the Caucasus by adding a division of active troops on the usual garrisons being withdrawn. With such additions the sum total of the active army in time of war, although a certain portion of it would not be in front, would amount to 900,000 men. To this add the 480,000 of opoltschenie, and we have a result of 1,380,000 men under arms, in addition to the regimental dépôts. In the year of 1854, the army states showed much larger figures. But at that date three-fourths of the men were not really soldiers. They had been hastily brought together and were but half-organised bodies of the people who were provided by the State, cost as much as real soldiers, but who, for the want of the commonest instruction and elementary organisation, could not be led into the field.’

Fadejew adds that the grouping of the active troops which has been thus illustrated, is not what would happen in an isolated case, but that it is the normal disposition of the Russian forces against an European alliance. ‘ Had the ‘ Russian statesmen of 1855 struck really for victory in the ‘ Eastern War—and it must be admitted that the means for ‘ this purpose were not really wanting—four-fifths of the Impe-

'rial forces should have been disposed in the army of the West, and so will it be in the future.'

The important part proposed by General Fadejew to be assigned to the Militia in the case of another general war, in which the resources of Russia should be made available against a formidable alliance, points to the necessity of placing this body on a more highly organised basis than has hitherto been admitted. When we read the discussion of this matter from the modern Russian point of view, to which, however, the Ministry of War does not fully give its adhesion, we can almost imagine that we are passing our own affairs under examination, so similar are the language and the argument held to what we have been accustomed at any time during this century. Thus there are discussions as to whether the Militia should be enrolled and drilled for three weeks *en masse*, or that only the youngest class—the men of twenty years of age—should be thus treated; or thirdly, that the men should be summoned but for two or three days in the year on certain holidays; and fourthly, that in time of peace they should not be summoned at all. The better opinion seems to be that a system founded on the first of these alternatives should be firmly established, a system not unlike that adopted by ourselves in our counties. It is observed that were this fairly set up, not only would the force of 480,000 men, whose duties have been illustrated, be forthcoming when they might be wanted, but that those duties are too important to be possibly intrusted to raw levies. It is suggested that to maintain a sufficient standing army to meet the contingency of war, with regard to the functions indicated for the temporary or resident troops, is out of the question. It follows then that the latter must have had a certain rude preparation, the habits of assembling, of some slight acquaintance with their officers and with one another, and an elementary habituation to the life of the barrack-yard, and to the rules of discipline. It is added that an economy may be found in the complete organisation of the militia-system in enabling the Government to part with bodies of local and garrison troops. These now swell the expenditure without any adequate return. It is a cardinal condition of State economy, that the 'standing active army' should be disposable for duty everywhere; that its constituents should not be transferred in crowds, from all ranks, to non-military business, a condition that is nowhere so much forgotten as in Russia. Oblivion of this condition, and the violation of the first principles on which it rests, are the fruitful sources of corruption in all classes, it may be said without

exception, and cannot fail to be one cause of the shortcomings in point of numbers, and of the collapse in the efforts of the Government when the demand arises for real soldiers in proportion to the strength of the armies appearing in the official rolls.

By throwing in time of war all local and garrison duties on the militia, the local and garrison troops proper being, on the other hand, incorporated with the active army; by inflexibly asserting that there shall be henceforth no deduction from the active ranks for the civil duties of administration as a further consequence of a wholesome and wide-applied system of militia, uncertainty with reference to her resources will vanish from the mind of Russia, and the great national result will have been obtained, which may be expressed in these words—‘The organised militia of a people numbering eighty millions does not protect the State from the possibility of defeat in offensive war, but it does protect the country from the consequences of such defeat.’

In passing to the consideration of the regular troops, or what has been called the active army, it may be observed that although the imagination of Western Europe has been constantly excited since the Napoleonic wars in the early part of the century by the potential capacity of Russia for aggressive war, a greater power has been attributed to her than has hitherto been warranted by fact. Thus in these wars she was great in defence, and she ruined the Grand Army by the vastness of her area, the rude climate of her plains, the scantiness of provision to be found on them by an invader. But her military institutions only helped towards this, and they failed even at home to array sufficient numbers by which to stop the advance of the French hosts. In the other wars of that period, whether as shown in the career of Suwarof in Italy, in the campaigns of Austerlitz, of Preuss-Eylau, and so on, and later in the final advance on Paris, the Russians never fought with the advantage of numbers, or with the support of many reserves, unless they formed one of a band of allies.

The same was generally remarked in the struggles with Frederick the Great of Prussia, his ultimate safety having indeed more than once depended on the apparent inability of Russia to meet his sharp and heavy blows by successive armies, to obliterate the effects of his daring conduct of the war in the face of unexampled difficulties, by the advance of such masses as might feel a wound, but could not sustain defeat as a whole. The achievements of Prussia, the example of the wars of the last ten years, the numbers at the disposal of her conterminous

neighbours in the west and south, are sufficient evidence to Russia that the strength of the organised military forces of a very recent past can no longer suffice for the future. It has been shown that the popular element of the militia or *opoltschenie* must be called in to relieve the country of the intolerable burden of a standing army adequate to all the contingencies of the empire, and to enable the mobilisation of the active troops to take place with effect, with reference alike to mere defensive war, or to the consequence of success in defence, the passage to counter-attack and the assumption of a bold offensive. The estimate of 900,000 men has been set down for the purpose of a standing or active army. It does not seem excessive, if measured by the most recent experience, to which allusion has been already made.

The problem is then before Russia, how these great demands are to be met; how to enable her armies to suffice for the strong probability of a hostile European alliance being directed against her; how to encounter, with something approaching to equality, the 350,000 men who might be arrayed by Austria, and the like number of troops which might take part on the side of Germany after the latter had provided for her western border and against the hatred and desire of revenge of France; and how, thirdly, to be prepared with a southern army to stand opposite to the renovated forces of the Sultan.

The solution of the problem is sought by Russia in measures similar to those which are now proceeding experimentally in the organisation of the British army. It is proposed to have recourse to a condition of short service in ordinary times, to trust to a system according to which a large portion of the trained military power of the country should exist in seasons of general peace in the form of reserves at small expense to the State, the active army during such seasons being recognised as the national school for the due preparation of the reserves thus hidden away from observation, but ready to spring to arms in their proper places on the alarm of war being sounded.

It is argued that the greater the difference between the peace and war footing of a country, the more powerful are its ultimate combative resources. The power which is most feared is not that which is always apparently armed to the teeth; but it is that which sparing expense so far as may be in time of peace, is in a position to assert its strength suddenly, and on occasion to arm with rapidity. Modern reliance is placed in the capacity of a people to take up arms in the form of trained soldiers, rather than in what is visible as a standing army in camp and garrison.

Important as attention is to the quality of the troops, to the individual training of the men to the rules of discipline and to the use of arms, the production of the men in imposing numbers when they are required for the real purposes of the country, is of far more consequence than the instruction and the polish of smaller forces. It is now indispensable that the active armies of a country should be so organised that to the largest possible numbers should be united the best possible quality under the circumstances of the time, this being the reverse of the proposition that troops of the highest quality should be as numerous as they can be, but that no others are fit for use. In modern wars we depend on masses and the intelligent direction given to them rather than on nice manœuvres and the operations of slender bodies. Given a fair administration and tolerably equal ability of command on both sides in a great contest, superior numbers must carry with them the fortune of a campaign. Hence the disposition everywhere to add to numbers, to operate in vast masses, to cover the mishaps and losses of isolated battles by the general advance of the whole which ignores petty disasters in the execution of large movements—just as a battalion proceeds without taking count of its casualties. Accidents may determine the fate of skirmishes and sometimes of great battles, but the fortune of large and continuous campaigns has little to do with chance, if the numbers be adequate to a comprehensive military direction—in short, if the numbers be in proportion to the area operated on. If any exceptional circumstances of government and administration, as lately seen in France, be put aside, there should never be such a difference between the troops of European countries as to compensate for very inferior numbers.

It is evident that the relations of the quality to the quantity or numbers of the troops are of a very important character. There is a point at which elasticity is lost when the numbers are too much stretched with reference to the means at hand for organisation. If a certain limit of quantity be transgressed in this sense—if there be insufficient time to train the recruits of the armies which are engaged—if they are deteriorated by an excessive shortening of the period of service—if the battalions be left without a sufficient leaven of old soldiers, of the example and the training to be alone afforded by experienced comrades—it is clear that the armed body is in danger of sinking from the rank of an army to the character of an untrained mob. It is then sure to disappoint the country, to ruin the generals placed in command, to be more dangerous than useful. Of the results of the proper application of national resources

after the most salutary preparation we have the most telling example in the conduct of Prussia before and after the recent war. In France we have seen a fatal illustration of the danger incurred by a country that puts on foot vast bodies of armed men and then calls them armies. In the consideration, then, of the complex questions now under discussion, reformers of ancient military institutions cannot too resolutely bear in mind that there is a point at which the rival exigencies of quantity and quality meet. The greatest care is required for the determination of the exact relative conditions according to which the development of the 'active national forces' on a popular basis can take place without deterioration of the necessary quality, but without too pedantic a restriction of the niceties of training and of the parade which characterised the armies of the last century.

The peculiarities of the population concerned must be carefully studied. There should be no slavish imitation of the institutions of other countries. Nearly every one has advantages not possessed by others, and on the contrary includes germs of weakness from which its neighbours may possibly be free. Thus the Russian, so brave and so obstinate in the field, so patient of fatigue, so active on the march, takes a longer time to train and educate than the German and the Frenchman. Russia has in her riding populations, in her nomad tribes, in the mountaineers of the Caucasus, natural elements for comprehensive military organisations of varied character which are denied to other countries. The irregular cavalry is obtained by the simple process of massing together the people of considerable provinces who are born riders, and whose martial disposition is thoroughly to be depended on. These same irregular horsemen are easily convertible into firm regular cavalry. In like manner the mountaineer of the Caucasus asks but for improved arms, to be without training or instruction the best of sharpshooters.

Hitherto there has been too much of imitation in the Russian institutions. With the best natural cavalry in the world for immediate use, the German model of Frederick the Great has been followed with great exactness but with much loss of time and power, in placing the Russian peasant on horseback with infinite labour. The example of the old Prussian army was resorted to in the construction of the Russian standing army. No appeal was made to national spirit. Soldiers were caused to serve for the term of twenty-five years, practically for life. Numbers were restricted not by the capacity of the country for the supply of men, but by the means available for

turning out the finished automaton, believed, till lately, to be alone capable of victory when opposed to foreign armies.

The man was forgotten in the machine called a soldier. What it might be in the power of the empire to effect by attention to the conditions of individuality and to natural advantages was submerged by professional habits, traditions, and prejudices. The bias of the establishment was more potent than any principle or mode of organisation which might quicken the national pulse by the attraction of national sympathies. The military state of things antecedent to the war in the Crimea was thus essentially a relic of the olden time. The late Emperor Nicholas had, it would seem, a certain glimmering of the truth of what ought to be the guide in the military institutions. In the year 1840 commenced the custom of giving unlimited leave to men of fifteen years' service, on the understanding that they should return to their standards if required for active service. While this privilege was granted there does not seem to have been any good system according to which the 'leavemen' could be suddenly and immediately assembled, or returned to the ranks of the regiments in which they had originally served. Thus were they deprived of much of their ability, and the first step towards a system of trained reserves in times of peace, who, while ready to double the number of the active standing army, should cease to be a charge on the treasury, was not a very decided success.

In the 'Times' of the 14th January, 1871, will have been seen the practical fruit of the discussions which have been long proceeding. The responsibility of the whole people for the duty of national self-defence is now proclaimed as the principle which is to rule Russian society henceforth. The abolition of serfdom is followed by the abolition of aristocratic exemption from participation in this duty. The peasantry were formerly transferred for military service at the will of proprietors according to the human rate which might be struck for the same. The rate will still be struck, but it will now include the owners of estates who were lately the proprietors of the peasantry also. The equality of all men in Russia for the discharge of the first of national obligations is thus practically recognised, and the recognition is about to be enforced by law. Would that we could have seen a like recognition in the United Kingdom and advantage taken by the Government of the excitement of the last twelve months, and the general accord of men of different parties in the theoretical justice of the argument in favour of the enforcement of the common obligation. We should then have depended in future for the

assertion of the power in the kingdom, whether in self-defence or the maintenance of her dignity abroad, on the security of law and Parliamentary sanction, instead of the fitful enthusiasm of certain members of the upper and middle classes, and the poverty and want of the lower ones. But it was not to be, and we must look to other countries for the example of national duty in this respect, which we are too weak to follow. France, in the midst of all her misfortunes, Italy throbbing with new national life, Prussia revelling in such success as has been rarely seen in the annals of the world, and now finally Russia, set forth the precept and act upon it, that for the discharge of duty in the truest national sense, the individual man, however great or however wealthy, must take his share with the humblest member of the community. The following is the first sentence in the draft of the new military law submitted by the Ministry of War and approved by the Czar:—‘The defence of his country is the sacred duty of every Russian.’

The rest of the draft gives the details by which the foregoing precept is reduced to practice. In each year there will be a conscription to keep the army and navy on a proper footing, all young men being liable who have completed their twenty-first year. The annual number of recruits will be determined by law, and distributed over the empire and the kingdom of Poland. The men destined to serve will be indicated by lot, such only as are physically incapacitated being exempt. Temporary exemptions are allowed, but within the most restricted limits. Substitutes and exemption by purchase are prohibited. The period of service in the army and navy will be seven years for enlisted recruits, of which time the men will remain with the colours so long as may be required to keep up the complement of the army; otherwise what remains of the seven years may be passed in furlough. After the seven years another period of eight years is passed in the reserve. If called out during the eight years, the young reserve men will be with the active army, and the older ones will reinforce the garrisons of fortresses. In order to enable the educated classes to free themselves from compulsory conscription and to provide officers, young men possessed of a certain degree of education may be volunteers for a short period of service according to rules we are familiar with in the Prussian army. Persons belonging to the reserve are exempt from service only in the case of illness or of employment in some public capacity. All able-bodied persons not entering the army can in time of war be called out to serve in the militia. Now as formerly military service will be performed by the Cossacks under special laws,

by the non-Russian inhabitants of certain portions of the empire, and by the population of the grand duchy of Finland.

In the second draft furnished by the Minister of War, General Miliutin, principles are laid down for the guidance of the special commission appointed to draw up a law for the organisation of the armed forces.

From this we gather that a militia may be formed for extraordinary contingencies if the safety of the country require it. The field forces retain their present organisation, their numbers being increased or diminished at the pleasure of the Government, by granting furloughs or calling back men from furlough. The reserve forces will be organised during the continuance of peace and independently of the army being put on a war footing. Garrison battalions will be stationed in the districts from which they draw their reserves at the rate of two reserve battalions to one garrison. The reserve forces are only formed for service in time of war, the cadre being supplied by the local garrisons. Much attention is to be paid to the assignment of generals and superior officers, for the due keeping in readiness of the arms and accoutrements, and to the sufficiency of points of formation on account of the reserve forces. Such provinces as have but a thin population do not participate in the institution.

In a further report General Miliutin elucidates the drafts of which we have given the sense. He appears to differ in grave particulars from General Fadejew, to whose pages we have had recourse for guidance in the discussion of the principles which have been submitted to the public of Russia. Thus the Minister at War would seem to attach a much less importance to the institution of the national militia than General Fadejew. The former evidently leans in preference on regular formations of reserve, depending entirely on military regulation and the rules of the establishment.

Whilst saying that a militia may be formed in great emergencies, he would seem to deny that the institution possesses much practical utility. In short, he treats the militia as if it must always show the shortcomings which displayed themselves during the crisis of the Crimean war. All this is contrary to the teaching of General Fadejew. The latter distinctly attributes a great value to the institution on account of the national spirit it fosters, the bar it might ultimately put to the improper or corrupt employment of military men in all ranks, either for the purpose of civil administration or in utter disregard of the objects of public expenditure. It is not for us to offer an opinion as to which of the two authorities is in the

right. It may be said that General Fadejew has brought a great knowledge and a very powerful argument to bear in support of his views, while perhaps those who have some acquaintance with Russian habits and thought would affirm that the Minister of War is not untrue to the official traditions in the midst of which he lives, and that he is therefore probably supported by the majority of Russian officers.

Putting aside this controversy, it must be admitted that the new institutions which are entirely in accord with all that has taken place since 1855, cannot fail to place new and large resources in the hands of the Russian Government. The military renovation is complete. The reform sweeps in all classes of society. The principle is fairly adopted according to which great attention is paid to the quality of the troops, whilst the quantity is multiplied according to the numbers presented by the population; that population being as we know double that of any other military Power. The second great principle has also not been forgotten in the designs of the new institutions; that being, that the visible standing army during peace represents but a fractional part of the resources of trained men immediately available on a declaration of war taking place. These reserves of trained men are no longer separated from the points of the assembly of the active army by months of laborious marching, but they will now be carried by railway to their destination from the most distant points in a few days. The problem, then, has been worked out, and we may look in a short time for the full execution of the measures so boldly projected in consequence. We learn in the public prints that these measures are in full progress.

Other changes have taken place of late years in the Russian army. We have it on the authority of Captain Brackenbury that the emancipation of the serfs and the policy of Count Miliutin have created a sense of individuality in the soldier which displays itself in various ways. The drill of the army has been changed and improved and adapted to the rifle and breech-loading arms. In terms of almost enthusiastic eulogy we are told by this writer of extraordinary results of discipline and training, and of the application of the troops in mimic war. It is said that if there be a loss in the appearance of weight and solidity in the Russian march, this is more than compensated by the improved fighting quality of the individual. We have always known that he was more tenacious and more obstinate in holding his ground than almost any other continental soldier. His powers of marching have also ever distinguished him very favourably. But we have been ac-

customed to think chiefly of the Russian army in the mass, and but little of the advantage to be gained by the advance from stolid barbarism of the men composing it. In Russia, as elsewhere, it seems to be undoubted that as the national education makes progress, and the general intelligence is cleared accordingly, so the army partakes of the common improvement, and is likely to show this in an unmistakeable manner when it shall be engaged hereafter. In our estimation of these altered circumstances and the real solid effect on the efficiency of the Russian soldier, we should perhaps be careful to balance the somewhat enthusiastic opinions and accounts of the brilliant 'Times' reporter by the sterner valuation of the experienced Russian general, who, though an ardent reformer, is at the same time a strict and independent critic. The latter has actually served and commanded in the ranks to which the former has paid but a passing visit. Accordingly we do not find these glowing accounts of the British correspondent entirely supported by the native military critic. The latter alleges a want of discipline in the modern army of Russia. He points out how difficult it is for the Russian to acquire the *élan* of the French army, the accurate technical knowledge and skill in the use of arms of the Prussian and the Englishman. He shows that the special quality of the Russian forces lies in that power of 'taking punishment' and still standing up for more, which caused such surprise and difficulty to Frederick in the last century and to Napoleon in this, after their previous experience of Austrian and other opponents. Thus owing to this cause, although Russian commanders have often failed and been defeated, the Russian soldiery are never thoroughly beaten. They may be destroyed, but they continue to come again and to show a front till the last extremity. On the other hand, there is great difficulty in teaching the Russian peasant the use of arms as compared with the recruits of other countries. It takes almost three years to turn out a soldier from the raw material. He is as inferior in the intelligence required for individual fighting in loose order as he is dangerous when in the mass of closely welded combatants. Consequently the introduction of the new rifle breech-loading arms has subtracted an advantage from the Russian army, the tactics required for the old unimproved arms being far more favourable to the Russian genius than those necessarily introduced on account of the more deadly character of the new patterns.

True to its traditions, the Russian Government spares no

pains in the theoretical education of the staff officers and those of the scientific arms, and in obtaining at any cost the best of materiel. Although in practice it may not be as successful as it wishes in the production of highly educated officers, in numbers sufficient for the vast forces requiring direction, it is clear, from the discussions and arguments noted in this paper, that there are means of supreme guidance not to be surpassed in any country.

The Russian administration may possibly go to unnecessary expense in Krupp ordnance and iron defences, but it is evident that it proceeds with a settled purpose, that purpose being to insure to the armies of Russia the best implements and tools, and not to rest satisfied unless they be afforded. It is difficult to suppose, with their absolute way of doing things, that the Russian administration have more difficulties to encounter in such matters than we have, or that ultimately Russia will prove slower in putting her military affairs on the widest and firmest footing, according to new and modern conditions. Russia may now be said to be in a transition state. But it is the state of execution after the decision has been passed—in short, of action subsequent to discussion.

According to information before us, on the accuracy of which the reader may rely, the total 'active' strength of the regular Russian army may be taken as follows:—

Infantry	.	.	.	.	492,000
Rifle Battalions	.	.	.	.	20,000
Cavalry	.	.	.	.	33,000
Artillery	.	.	.	.	28,000
Engineers	.	.	.	.	11,500

Total . 584,500, with 1,128 guns.

To this must be added the force stationed in the Caucasus, the total then standing at 688,000 combatants, with 1,304 guns.

The above represents merely the combatant or 'active' army. But if we would estimate the real fighting power of Russia, and its capacity for extension, we must not omit from the computation the reserves (*depôts*), the irregular troops, the staff, ambulance, hospital, commissariat, transport, and chancellerie service; and lastly, the development of the principle of reserve, according to which the number of trained soldiers available for service but residing at their homes will be eventually not very far from the equivalent of those actually with the standards. Allowing, for a large margin of casualties, it is clear that on the due emergency arising the combatant forces of Russia might be swelled to at least 1,200,000 men at

short notice, which, when the new systems shall have been fully worked out, will attain larger and more startling dimensions. According to the general disposition of the troops as mentioned by the Minister of War, the forces in the western district and in that of St. Petersburg, which may be considered available for service in Europe and are in easy communication with one another, amount to sixty per cent. of the Russian active army. The lines of railway now in course of execution will soon give the military district of Moscow a like character. The number of combatants thus available for immediate operation on foreign territory at the outbreak of European war would certainly not be overrated at 400,000 men.

Such are the facts of the Russian frontier forces as standing face to face with her neighbours of Austria, Germany, and Turkey. A few words, the result of recent close observation on the part of British officers, may be added. This is highly confirmatory of the Russian authority to which we have previously referred. Thus it is said that Russia will have difficulty in finding able and experienced general officers to whom to intrust the direction of her enormous forces. Imperial protection and many unworthy causes have filled the higher ranks with incapacity and perhaps corruption. The latent military talent can hardly come to the surface, owing to the evil system of promotion, actuated as it is by the personal feelings, the favour, or the prejudices of the Emperor. Vast numbers of officers, generals, and others are for ever being drafted into the civil service. This more particularly affects the staff and the scientific corps. The most capable officers, allured by the higher emoluments of the civil administration, are apt to disappear from the ranks of the army, in which they retain their titles of rank and their claim to promotion. The officers of the staff and the scientific branches are highly educated, and efforts to improve them in theory and practice are unintermitting; but the infantry officers are badly paid, poorly instructed, of little zeal, dissatisfied, and careless of their career and the future. They are declared to rise but little in intelligence above the men they command. The cavalry is good in appearance, in horses, and equipment, and the individual readiness of the soldier; but it is not thought that the Russian cavalry would be equal in intelligence to the German, or competent to the performance of such duties as we have lately seen skilfully executed in the advance of the armies of the Prussian royal commanders. To this we might perhaps reply that such duties can alone be

learnt in actual war, and in the application of the energy of the troops by able superior command, such as that of Prince Charles Frederick. A very short term of actual practice under such command would transmute the most sluggish of cavalry. The strength of Russia in this arm, as before observed, lies in her races of born horsemen, and the number of them she is able to call out and apply. The infantry soldier still forms the real strength of the Russian army; but his lot has of late years been entirely changed. He is now as well treated as the infantry of other countries, including better diet, better clothing, medical supervision, gymnastics, schooling, the abolition of corporal punishment except by sentence of court-martial. The consequence is an improvement visible to every one. The Russian infantry soldier now really takes rank as an intelligent being; this marked change is visible in his gait and demeanour, in the outward appearance of independence and self-reliance. Owing to the amelioration in his lot and the shortened service, the peasant no longer dreads the conscription. Even in Poland it is not feared as it used to be; and the draft for the men is determined by lot with the strictest impartiality.

It is sometimes said that the Russian soldier, while thus gaining in intelligence, has lost in discipline. It occurs to us that the absence of servility may easily but unfairly take the aspect of a lax discipline in the eyes of the old Russian officers bred under Constantine and Nicholas, but that the intelligent soldier who has a career of seven years of regimental service must become amply professional in his habits of thought. He cannot fail to gain from the rule of discipline all the advantage it affords in the interest of the whole. Stiffness and stolid servility were long mistaken for the only military form worth preserving. In Russia the form lasted longer than in other countries. Combative and moral power alike can hardly fail to gain in proportion to the intelligent method observed by the Ministry of War in the introduction of change and civilising influences. In future wars Russia may be found to begin with a new strength accordingly.

It is the complaint of General Fadejew that a slack notion of conduct has crept in among the officers. We find this view confirmed in other quarters. With relaxation of discipline has come occasional disloyalty. It has long been known that democratic ideas were more especially prevalent among the artillery and engineers. Such ideas were protected and propagated by the late Minister Miliutin, the brother of the general who is now the War Minister. The onward step to disloyalty in a country so constituted as Russia is not a wide one, and it has

been observed to have taken place accordingly. Facts illustrative of such feelings and tendencies were shown by the investigation following on the attempt on the life of the Emperor a few years back. This matter has probably but little importance at present; but it is a sign of the times which is far from unimportant. There is another indication as affecting Foreign Powers, which has, perhaps, a greater significance. The press and public opinion thoroughly go along with every detail of army reform and reorganisation. In military matters public opinion is in advance of the Government. The progress in military strength is no longer urged from above—it is rather stimulated from below. The ancient military policy of extension was imperial—the modern now rests on popular influence and public opinion. The reigning Emperor is believed to be really a man of peace. His son, the heir-apparent, is, on the contrary, understood to be ambitious, not without military ardour, and to be disposed towards war. He is anti-German in his politics, and would not unwillingly yield to the stimulus afforded by the National Party.

The German press warns us of the barefaced and cynical exposition of design afforded in Russia in support of the enunciation of her general principles. The old jealousy of race between German and Tartar, between Teuton and Slave, thus does service to Austria and to Germany, and is an element of strength in the defence of what is most worth preserving in Europe. This jealousy, which lay dormant in Prussia for half a century, is again excited. There may be at times unholy cravings after the German provinces of Austria, but a real feeling of insecurity is prompted by the action and the public opinion of Russia. The very successes of Germany cause the people of the new Empire to be impatient of projects and developments on their eastern frontiers which interfere with the sense of safety and tranquillity. The North Germans inquire with some reason what would be thought of the practice of any other Government or country if general officers of high position permitted themselves to preach wholesale war and spoliation of neighbouring countries. Yet this is exactly the conduct pursued by General Fadejew in his articles in the 'Exchange Gazette' of St. Petersburg, which meets with but little real opposition from authority: *—

'The diplomatic denial of complicity on the part of the Government cannot be held to be worth much so long as the Russian press seems to overflowing with animosity towards Austria and with zeal for

* See 'Silesian Times' of January 27, 1870.

Panslavist agitation among the southern and western Slaves, and while the avowed and secret activity of even the Government organs is ever engaged in the corroboration of similar tendencies.'

Of the force of the argument of 'race' we have other interesting evidence. The letter addressed to the Emperor Alexander II. by 'un Slave' was published at Brussels early in this year. This publication is clearly the production of one conversant with Russian and Polish administration. The anonymous writer apparently belongs to the party that demands justice and self-government for Poland with the intention of causing her to form a substantial support of the Russian Empire. The policy he advocates is that of the Marquis Wielopolski. He seeks to attract the Emperor to a consideration of the wrongs and evil administration under which Poland suffers, but his reason is that it is wise to meet the antagonistic designs and tendencies of the Germans, and to insist on the solution of the great Slave question in a Russian sense. He tells the Emperor that the Slaves are surrounded by a wide circle of Germanism, from Revel in the North to the Black Sea, where a Hohenzollern reigns at the mouth of the Danube. In the extreme west Poland affords a strong position of defence which gives check to the shores of the Baltic and is an advanced post towards the Slavonic population of the west and south. Poland in Russian hands is a constant menace to Austria and Prussia. The latter would gladly come back to the arrangements of 1793. We have ourselves seen this view confirmed by articles in German newspapers. It is sometimes alleged by the German press that if there be no other alternative, a bulwark should be erected in Poland against Russia. Against this 'un Slave' protests, not because of any mischief arising to Poland were such a policy adopted, but because Russia would lose her position in Europe and her contact with the rest of the Slavonic world. Apart from moral obligation Russia is under the strongest political necessity to make peace with Poland on a lasting and equitable basis. 'Such a peace should be the point of departure towards a real union in future. It is the foundation of the strength, of the grandeur, and of the prosperity of the great Slavonic Empire.'

It would seem that the ideas thrown out by 'un Slave' are participated by others, some of whom are in a position of authority, and not disinclined to give them effect. The notion gathers strength from the fact that the Russian press has very recently adopted a similar tone respecting some sort of composition with Poland. This province has nearly recovered from the events of 1863, and Polish influence is said to be again

making itself felt in the salons of St. Petersburg. In connection with this we hear the name of Prince Bariatinsky, the late conqueror of the Caucasus, quoted with much authority, it being thought that he would not be unwilling to treat Poland on Panslavic principles for reasons exactly similar to those put forward by 'un Slave.' Fadejew is active in a like sense, as shown by a very recently published pamphlet.

At the same time we hear from various quarters that for the present, at all events, the Eastern question is held in Russia to be closed. The Russian Government stands now, as regards the Black Sea and its power of asserting a hostile attitude towards Turkey, nearly in the position it occupied before the war in the Crimea, with the advantage, however, of superior military organisation and a system of railways. Her views are not now immediately directed against Turkey. She has achieved a successful diplomatic campaign.

Although we may regret the step taken by Russia, we cannot be surprised at it. With the exception of ourselves the leading Powers of Europe had previously acquiesced in the expediency of making the concession she asked for. It may be that if with something of the warlike spirit which guided British counsels in the last century, Lord Granville had told the Sultan that England was ready to back him in a quarrel with the Czar, the former might have had recourse to the *ultima ratio regum*. But it is clear this was as little desired by the Turks as by the reasonable part of our own community, and a war for the Eastern question in its present form was never seriously contemplated by any Power throughout the discussion, which was finally terminated by the London Conference. It has suited certain continental politicians and parties to blame and depreciate England as the cause of the results of that Conference. But, in truth, neither government nor public of any country was serious in advocating resistance to the encroachments of Russia for her extrication from a position believed by all to be out of keeping for so great a Power. Russia, then, had her own way and is at present satisfied with reference to the aspect of her relations with Turkey. Indeed, we hear that her advances towards the latter have a highly pacific character. The 'Times' correspondent writes from Vienna on April 13, 1871, that harmony prevails between those two countries—all now goes smoothly. The Porte is left in peace and quiet. But Russia goes further than this negative proof of intention to avoid causes of discord:—'Russia seems inclined to honour and approve the reigning disposition at Constantinople which tends towards emancipating Turkey

‘from all foreign interference in her internal affairs.’ Turkey comes forward with her views of what may be the policy to pursue towards Roumania in the event of certain contingencies, after having made sure of the consent of Russia. If Turkey be allowed, as we are now informed, to perform her due function, according to treaty, of putting down the threatened civil war—if, by the attitude of Russia, Austria be placed under the necessity of abstaining from all interference, notwithstanding the presence of many Roumanian subjects in Transylvania and her deep interest in the Slave population—she may fairly ask, and her allies should also inquire, if in the fact of Russia’s institution of an *entente cordiale* with the Porte, we do not find the first forward step in a policy on the part of the former, for the due execution of which the neutrality of Turkey is a cardinal condition.

It is, indeed, impossible to doubt that an anodyne to Poland in the north, the intrigues in Roumania on the south-west, and the Russo-Czech agitation in the country lying as it were between the two, are parts of the same scheme. For these three sections form the line of western frontier along which is, we are told by Russian statesmen and generals, the normal position of the Great ‘active’ Russian army. In confirmation of the theory and in affirmation of the reality of ulterior designs, we see the development of the Russian forces on that line during the last year, of which the German newspapers and the English correspondents have informed us. The aspirations of influential parties in Russia are taking political form. The aggressive inclination of her people, the sense of popular dissatisfaction declared by her writers to exist with reference to her being cribbed and confined in domestic affairs, the desire for expansion, of which we are assured by the Russians themselves, are seen to be assuming a practical shape. We are now able to follow the outline of a policy which is thus becoming positive, as being marked out by the acts of Government and no longer indicated merely by the polemics of the press.

What, then, is the obvious conclusion which suggests itself alike to Austrian statesmen, to the organs of Russian opinion, and to English observers? It is that a struggle is impending between Russia and Austria; that it is inevitable sooner or later; that it cannot be averted. As shown in the foregoing pages, the reorganisation of the Russian army may have rested on motives of a more general character; but those motives differ entirely from such as may be at the bottom of similar efforts of military reconstitution, as seen in the United Kingdom,

in Austria, in Italy, in Turkey. They present rather an analogy with the policy of Prince Bismarck and the Emperor of Germany, when after 1859 they set fairly to work to create military forces which, while conferring vast powers for aggressive purposes, should lay the basis of a policy of national aggrandisement. In Prussia this might mean the assertion of German unity after a fashion which should guarantee Prussian predominance in the Empire about to be created. In Russia the analogous military policy signifies expansion according to certain theories of Race, and the more complete rounding off of the Russian province of Poland. Hence the recent rapid armament of Russia, with a view to a contest with Austria, which it is urged on high Russian authority should not be long deferred. In Russian eyes the due occasion will be seen when preparation shall have been sufficiently advanced, when the new military organisation shall have attained a proper solidity, when the first line of 400,000 men may count on reserves of equal amount—in short, when Russian numbers and resources shall have reached the proportion exhibited by Germany in her late contest.

The Ministry of War in Austria is undoubtedly fully alive to the march of opinion in Russia and to the corresponding military and diplomatic policy pursued by her Government. We may believe that the preparations of Russia are in the course of being met by similar action on the part of the advisers of the Emperor Francis Joseph. Whilst as usual in Austria, attention to the army is not forgotten, it is known that the railways of Hungary, the domestic strategical lines, are in the course of being rapidly pushed forward. The necessity of preparation is thus clearly indicated, and the settled purpose of the Austrian Government practically shown. But Austria alone, unaided, is not equal to a contest with the Czar. Austria, as she well knows herself, as acknowledged by all in civil and in military authority, wants rest. She has done much and is doing more towards healthy recovery after the blows of 1859 and 1866. But time is required to complete the cure. Effective as has been the march of the civil and constitutional reforms of Austria, and real as may be the reconciliation with Hungary, strengthened as she has been by the new power for the concentration of her means consequent on liberation from the old Italian care, Austria must seek in the general European arrangement that safety which is denied to her by the configuration of her frontier and the heterogeneous masses of her population.

If we come to something more positive than the ‘Pansclavic

'Idea,' we find that the Russians reckon on the disaffection of the Ruthenians in Eastern Galicia and of the Slave population in Moravia and Bohemia. The former are undoubtedly indisposed towards Austria, and might perhaps be expected to render military precautions necessary in the event of war. Popular disturbance and animosity towards the land proprietors would possibly make themselves apparent. Notwithstanding the persistency of the Russian intrigues in Bohemia and Moravia some few years back, and the *entente* sought to be established with the Czech population by the Moscow press, it is not probable that Austria sees cause for distrust of these provinces on war breaking out. Insurrection or aid to the enemy, under such circumstances, would be opposed to all their traditions. On the whole we may safely conclude, that for purposes of defence, Austria is stronger than she was in 1866. If Russia should yield to the temptation to aggressive war under which she is now labouring, her expectations of assistance from the disaffection of any one of the different provinces and races of which Austria is made up, are likely to be disappointed. Nevertheless, in such an event, the situation would be one of extreme peril for Austria if she were left alone to confront her giant neighbour.

Although after the pleasing excitement consequent on the diplomatic success of the movement commenced in October last, Russia may be now drawing towards Turkey, and that attempts may be made to separate the latter from Austria, the Porte can hardly forget that her interests are intimately bound up with those of that Empire which now confronts the great 'active' army of Russia. The Porte will continue to bear in mind the urgent counsel and warning afforded by those whose activity and aggressions are the settled policy of a hundred years. That counsel is contained in the modern Russian motto—'The Eastern question can alone be solved at Vienna in a Russian sense.'

England should weigh the value of this maxim with reference not only to the Eastern question, but to the preservation of Eastern and South-eastern Europe from a Russian advance, and to the maintenance of the European peace. As a result of her action at the late Conference England should be prepared to take a view of her position for the maintenance of the law of Europe according to the principle acted on in August 1870, in the case of Belgium, and stated in the first protocol of the Conference. She must not shrink from the measures demanded for the protection not only of her old client Turkey, but of the Empire of Austria. It is rightly

said that the stipulation of the treaty of 1856 regarding the Black Sea, was not designed for the purpose of humiliating Russia, but as a material guarantee of Turkish independence and European peace. The question then arises whether the two objects supposed to have been secured by the arrangements of 1856 have been sacrificed. If it be impossible not to admit that the assurance of peace consequent on the Crimean War has been very rudely shaken by the abrogation of the material guarantees, we shall have to recollect hereafter that we have been parties to this action. The treaty of the 15th April 1856 between Austria, Turkey, and Great Britain which makes any attack upon the independence and integrity of the Ottoman Empire a *casus belli* to the Three Powers, is still in full force and binding upon us. We cannot, then, divest ourselves of the duty falling upon us of taking our share, it may be the lead, in a general European combination, which shall in another manner afford security to the objects obtained in 1856 but lost in 1871. The calmness and quiet dignity with which Lord Granville met what may be called the effrontery of the Russian Ambassador at the Conference will find their justification in such a course.

The country should understand that these opinions are not the advice that leads to war. They lie at the foundation of the measure demanded on all sides for the restoration of the law of Europe—the law which has of late years disappeared. In the reassertion of it can alone be found peace and rest for the populations whose security has been so rudely disturbed. Such counsels, resting on what is due to international equity, on the consciousness of the duty, the dignity, and the responsibility of Great Britain, which she cannot abdicate, are the true counsels of peace.

The part to be played by Prussia, or rather Germany, in the immediate future remains to be considered. Between that country and Russia no cordiality exists except in the minds of the two Emperors. The Russians avow that they have nothing to expect from Germany; and they would be satisfied with neutrality in a more or less 'benevolent' form if war were declared against Austria. Germany might, however, well be a party to a general arrangement for the maintenance of the peace without forgetfulness of gratitude on the part of the German Emperor. It becomes her to mount guard on the east of Europe, to assure the great German people, whether existing within her own borders or those of Austria, against Moscovite encroachment. Germany would thus take her proper place in the European family, according

to her new conditions, her duty being not less apparent, while her immediate interests are far more closely and advantageously concerned than is the case with England. Such a policy is evidently in unison with German sentiment. It would be properly directed against that hatred of races towards Germany which is now binding together Pole and Russian, as seen in the issues of the Russian press and the riots of Posen. A comprehensive firm diplomacy resting on such a basis, would give to Germany the moral influence she now lacks. There are indications that such views are to some extent entertained by Prince Bismarck's Government. It seems tolerably certain that what we read occasionally regarding the hostile feelings of the latter towards Austria has no foundation in fact. The diplomatic conduct is accordingly what was to be desired, as shown very recently in the cordial reception given to the Comte de Bellegarde, who was sent by the Emperor Francis Joseph to compliment the Emperor William. The envoy is said to have returned well pleased, bringing back with him proposals having reference to the Rouman Principalities. In the disposition evinced by such acts we trace what may lead to the general combination of the great Powers. Russia may be thus induced to persevere in the policy of peace and respect for others by which she has gained much credit during the last fifteen years. May the wish we utter become a reality in the interests of all the countries immediately concerned!

Let it be once more repeated. Russia makes no secret of her desire to encroach on her neighbour, to expand her influence abroad by force of arms, to make use of a propaganda for this purpose founded on a theory of race, to array the Slave against the Magyar and the Austrian. The attitude of the Cabinets of St. Petersburg and Vienna is that of antagonists looking for the coming fray, however studiously allusion to it may be avoided by both sides in their correspondence. Russia tells us through her best informed generals and statesmen, and by the measures in the cause of development and execution, that she fears no single Power, that she is confident no single Power will attack her, but that she does fear an alliance of many Powers, and that against such an alliance she must stand prepared. It is then for Europe to take the Power at its word that so boldly and cynically avows its objects, and how it stands before the world.

The Russian scheme of military reorganisation must be taken to comprehend the means of placing the Empire in such a state of defence as to give a sufficient national sanction to

the national aspiration. The scheme is intended to enable the Russian generals to advance on Central Europe without risk to the internal peace of the country. In the interest, therefore, of European civilisation and of the maintenance of the general peace, this scheme of military reorganisation in Russia urgently calls for the vigilance of England and Germany. The reorganisation may well cause Austria and Turkey to think how far it may be directed against their national security, perhaps their political existence.*

ART. II.—*The Lives of the Lord Chancellors and Keepers of the Great Seal of Ireland.* By J. R. O'FLANAGAN, M.R.I.A. London: 1870.

WE cannot in justice praise this book, and yet we are glad that it has been published. The veil of obscurity which had spread over all that relates to the national life and the genuine records of Irish history has been gradually lifted up; and of late years a variety of writers have elucidated the past of the sister country, if not with the vivifying touch of genius, at least with care and conscientious industry. Apart, however, from a few biographies and some sketches of remarkable merit—those of the late Mr. Shiel and Mr. Charles Phillips will at once occur to many of our readers—but little hitherto has been accomplished in retracing the legal annals of Ireland; and the history of the Irish Bench and Bar has been hardly at all explored. One of the reasons probably of this neglect is that, with exceptions of no great importance, the Irish Law Reports scarcely extend beyond the beginning of this century, so that it has become difficult to comprehend what at a comparatively recent period was the real character of the Irish Forum; and another may be that, great as is the just reputation of Irish lawyers, their position in a country which for centuries was ruled by the sword as a conquered province, prevented them from attaining the political eminence reached long ago by their fellows in England, and lowered their natural rank in the State. Yet the profession of the law has played a not insignificant part in shaping the varying fortunes of Ireland. Whether as an instrument of arbitrary power, or as a check on

* We have abstained from allusion to any possible results to India from a policy of military extension in Russia. To have done so would have opened up a subject demanding large treatment—in short, an article to be devoted entirely to itself.

tyranny and wrong, it has largely influenced the national destinies; and it has reflected with singular clearness, and in a manner almost peculiar to itself, the sentiments and opinions of powerful classes. A biography of the personages who have held the chief place of honour in this order could, therefore, hardly fail to be interesting; and many as are the faults of Mr. O'Flanagan's book, it nevertheless deserves attention. It contains tolerably full sketches of the lives of many of the Irish Chancellors; it connects these with copious references to contemporaneous historical events; and it abounds in anecdotes, more or less valuable, which illustrate the times in which they held office. In a word, it is a laborious compilation which deals with a subject of an attractive kind; and though it is not a good book, it deserves to find readers, not only among the select few who care to investigate Irish history, but with the much more numerous class which takes pleasure in biographical gossip.

Unfortunately, however, these volumes fall far short of the standard of merit at which their author might have aimed; and we are surprised to learn that they represent even the desultory labours of many years. Mr. O'Flanagan, we regret to say, has proved himself to be deficient in the qualifications absolutely needful to deal in a satisfactory way with his subject. It is, no doubt, impossible to depict most of the earlier Irish Chancellors in anything like the lineaments of life; but several of the later names in the series had characteristics strongly marked; and a competent narrator would have placed their distinctive features clearly before us. Mr. O'Flanagan, however, does not exhibit the least trace of artistic skill; he seems unable to seize and bring out the qualities of the personages he attempts to portray; and in his pages we see nothing of the 'living images' of such men as Lords Lifford, Clare, and Plunket. Nor has he even a clear perception of the great outlines of Irish history, and, so to speak, of its general tendencies—a knowledge essential to his work, since not a few of the Irish Chancellors contributed largely to the events which marked the fortunes of the sister island, and some acted a conspicuous part in that long drama of national suffering. He appears not to have studied thoroughly any one of the well-defined periods which make up the tale of the annals of Ireland, or, at least, not to possess the faculty of setting them plainly before the reader; and the result is that a fitting background is wanting to almost all his pictures, and they are devoid of their natural form and colouring. He has, indeed, slurred over or misinterpreted several passages

of national importance which he ought to have clearly described if he wished to do justice to his theme; and his account of the Irish policy of the Tudors, and of the events that preceded the rising of 1641, is so meagre, imperfect, or one-sided, that his sketches of the contemporaneous Chancellors are evidently partial or far from correct. Besides, we are constrained to remark that, even when dealing with his immediate subject, he often makes inexplicable omissions, and is careless and inaccurate in the extreme. We are at a loss to know from what authorities Mr. O'Flanagan has compiled what he evidently imagines to be a complete list of the Chancellors of Ireland; but a reference to Haydn's 'Book of Dignities' will show that, without apparent reason, he has left out a considerable number of names. With respect, too, to some of his 'Lives,' he has neglected obvious sources of information; and we should infer from his notice of Archbishop Deane, and of that remarkable man Sir Thomas Cusack, that he had not studied such common books as Lord Campbell's 'Chancellors' or the 'Carew State Papers.' By comparing his text with the Roll of Patents in the '*Liber Munerum Hiberniæ*,' we see that he is very inaccurate in his dates. We have detected a number of blunders during the period of the Plantagenets and the Tudors; and, as for modern instances, he informs us that Sir John Leach died in 1827, the year when that judge became Master of the Rolls, where he presided for a long time afterwards. Many similar cases might be cited; and what is to be thought of the care of a writer who criticises 'the bloody Bill of the six *Arbiters*?' and though Slender talked 'of a *custos ratarum*,' would he write of the '*posse com-mitatus*'?

Mr. O'Flanagan's volumes begin with a sketch of the Celtic laws and institutions of Ireland. We shall not follow him into this disquisition, which is exceedingly bald and imperfect, for it is altogether foreign to his subject. The Irish Chancellors have administered a law wholly different from the Brehon customs, and in its genius singularly alien from them. During several centuries they were Englishmen who scorned the native judges as mere barbarians; and, instead of cultivating, they did their best, in the Anglo-Norman and Tudor periods, to discountenance or extirpate primitive usages which they rightly considered as connecting links in the stubborn frame of Irish nationality. In passing, however, we may observe that modern research has conclusively proved that the ancient laws of the Irish tribes formed a more elaborate and complete system than had been supposed by critics like Coke; and certainly not

a few of the maxims of this venerable and now dead jurisprudence contrast favourably, in all that relates to the ordinary arrangements of social life, with 'the perfection of reason' of the old Common Law. The office of Lord Chancellor of Ireland, as Mr. O'Flanagan correctly admits, was an institution of foreign growth; and it may be traced nearly as far back as the first Norman conquest of the island, Stephen Ridell having certainly held the Seals as early as 1186. We shall not discuss the intricate question, hardly relevant to the present work, and but feebly handled by Mr. O'Flanagan, as to the relative positions of the Chief Justiciary and the Chancellor in the Aula Regis; suffice it to say that, as in England so in Ireland, the first great office fell into disuse at an early period; and Mr. O'Flanagan is clearly in error in imagining, as he apparently does, that the office of Chancellor is not much older than the reign of Henry III. or Edward I. It is more to the purpose to consider the authority and influence of the first Chancellors of Ireland; and Mr. O'Flanagan has not given sufficient prominence to this part of his subject, though he has evidently studied it a good deal. The subjection of Ireland to the earlier Plantagenets, as is well known, was nominal only; and while in theory the whole island became an appanage of the English monarchy, the small part alone which had been colonised by the first conquerors and their descendants passed under the dominion of English law, and all the rest remained in a state of rude independence under the native chieftains. The Anglo-Norman Pale and the Celtic Land were thus wholly distinct regions, inhabited by different and hostile races, and the inevitable result was widespread anarchy, and the destruction of the germs of civilisation. The institutions of the conquering colony were not likely, it may be supposed, to extend in this state of society, and where lawlessness and disorder abounded, the domain of law was narrow and precarious. The jurisdiction of the earlier Chancellors was nearly confined to the precincts of the Pale, and was all but unknown in the rest of the country; and, even within the Pale itself, it was encroached upon to a considerable extent by the jurisdiction of great feudal lords, who had obtained extravagant franchises from the Crown, and whose seneschals administered in their own Courts a strange medley of half-barbarous customs. Thus while in England the power of the Chancellors expanded steadily and spread far and wide as the monarchy became consolidated and settled, in Ireland it was restricted within narrow bounds, and was unfelt by the great body of the nation, at least as a reforming influence.

This difference in the constitutional position of the first chancellors of England and Ireland, corresponding to a similar difference in the political history of the two countries, is a striking and significant fact which Mr. O'Flanagan should have distinctly noticed. Though often held by eminent ecclesiastics, the office of Chancellor in England became peculiarly judicial at an early period; and men of remarkable parts and learning began soon to build up gradually the system of remedial jurisprudence, mitigating the harshness of the Common Law, which ultimately expanded into Equity. This influence may be traced as far back as the reigns of John and Henry III.; and the principles then established having taken root, spread fruitfully over the whole country. In Ireland, on the other hand, the earlier Chancellors were only the instruments of sovereigns possessing little power; they were placed among a colony of conquerors who occupied only a part of the seaboard and were separated wholly from the native race; and, accordingly, they never had an opportunity of imitating their compeers in England, and of spreading the blessings of improved law and of equal justice over the whole island. Restricted in their judicial functions within a sphere smaller than the Pale itself, they probably did not cultivate earnestly the noble science which they professed; and as they all belonged to the dominant caste, they were often more conversant with the sword than with the administration of justice, and they learned to regard the subject people as mere aliens and natural enemies. Hence, though the first generations of Irish Chancellors were usually selected from the same class as those who held the Seals in England, we see plainly from Mr. O'Flanagan's book that they differed widely in their general characteristics from their fellows on this side of the Channel. They certainly created no school of law; and they allowed a foundation for legal students established in Dublin by Edward I. to fall into decay and ruin. It would appear that, filled with the prejudices of race, they seconded the remonstrances of the colony when more than one of the Plantagenet sovereigns wished to extend the Common Law to the aboriginal people; and they never attempted to enlarge the sphere of their scanty jurisdiction. Indeed, many of them were rather distinguished for their 'hostings' against the Irish chieftains than for their labours in dispensing justice; and the Anglo-Norman tribunals, like the Anglo-Norman Church, furnished more than one redoubtable soldier who cut down by hundreds the Celtic kerne. The very courts of these heads of the law, held within the precincts of the fortified 'Castle,' which protected the foreign burghers of

Dublin from the raids of the septs of Meath and Wicklow, presented an image of martial state; and, unlike what was the case in England, most of these Chancellors went on circuit, and, in the interest of order in the Pale, hanged and tortured scores of the 'Irish enemy.' The spirit even of the ecclesiastics, of whom many filled the office, resembled that of their lay fellows: few appear to have been well-read lawyers; their position in the Church did not raise them above the sentiments of the Anglo-Norman colonists, or reconcile them to the real people; and as they were subject to hardly any control, they sometimes led idle and profligate lives, or were not above official corruption. De Bicknor, one of the most eminent, who attempted to found a university in Dublin, confined it to those of the English name; and he was compelled to disgorge a considerable sum, which he had appropriated 'by counterfeiting writings.'

The general result of this condition of affairs was to make the position of the Irish Chancellors, their influence, and their power in the State, wholly different from what it was in England; to render the office of little value as a means of civilising a rude society, and to separate altogether the heads of the law from the great mass of the Irish nation. This state of things was but little changed for more than three centuries after the Conquest; indeed the authority of the Chancellors, their importance, and their legal jurisdiction declined gradually as the Pale increased in the fourteenth and fifteenth centuries, while they became more and more isolated from the degenerate descendants of the first settlers, and from the Irishry who, having thrown off their nominal allegiance to the English Crown, now occupied almost the whole island, and knew nothing of the law of the Saxon, except as associated with cruelty and wrong, and utterly abhorrent to their ancient customs. It is unnecessary to do more than glance at the list of Chancellors during this long period, of whom many have been omitted by Mr. O'Flanagan, for some unknown reason. A few were really eminent men; one especially, De Wickford, a trusted minister of Edward III., accompanied the King in his remarkable campaigns of conquest in France; and, just as we have seen in modern times, he insisted in negotiation on the absolute necessity of securing 'a strategic frontier' in Aquitaine, in order to justify schemes of annexation. Some other personages of note occur; the 'boy Chancellor,' the ill-fated son of the Duke of York and the 'Rose of Raby,' whose beauty, it is said, lured the Earl of Desmond and his Geraldines to perish at Wakefield; the Earl of Worcester, 'the

'butcher of England,' one of the most accomplished scholars of his age, but stained, it is said, with execrable crimes; Alexander Plunkett, the first probably of the colonists who obtained the office; and one or two Archbishops or Bishops who seem to have been more than commonly distinguished. Speaking generally, however, this long roll of Chancellors formed a succession of military politicians or of prelates, who have left nothing worth recording behind; and they doubtless trod in their predecessors' sway, administering a kind of rude justice within the contracted bounds of the Pale, protecting diligently the 'English interest,' and knowing nothing about the 'wild Irish,' except as creatures to be hunted down and destroyed. Mr. O'Flanagan has passed over one of these names: Thomas de Revi appears to have presided as Chancellor at the celebrated Convention of the Pale, which framed the well-known Statutes of Kilkenny, perhaps the most remarkable monument extant of an attempt to sow hatred between two races; and we may believe that his wisdom inspired the colonists in this legislative effort. It is hardly necessary to add that during these centuries there was no development of Equity in Ireland, like that happily witnessed in England; the profession of the law bore little fruit in a soil rendered unkindly and barren; and the Irish Chancellors did not provoke any jealousy by enlightened devices to reconcile the Common Law with justice. At the same time ancient records show that something like a system of Equity had been imported into the Pale from England; but complaints appear to have been made more than once that it was an unknown language to several Chancellors.

During the second half of the fifteenth century a significant change may be traced in the names of the personages intrusted with the office. Up to this time the Irish Chancellors had usually been English courtiers or bishops; they were now frequently selected from the houses of the dominant Anglo-Norman nobles who had practically usurped the Government of the Pale. We find Butlers and Fitzgeralds on the list; and these functionaries were faithful representatives of the disorder and anarchy generally prevalent. This was the period when the power of England in Ireland had declined to the lowest point; and the heads of the law seem hardly to have been more than the nominal servants of the English monarchy. This state of things was tolerated for a time after the accession of Henry VII. to the throne; but when his dominion had become settled, he began to turn his attention to Ireland, and to endeavour to restore the influence of the Crown in a dependency already a disgrace and a danger. The celebrated statute called

Poyning's Act, the opprobrium of later Irish patriots, by which the Parliament of the Pale was rendered subject to the English Council, and an attempt was made to bring the great Irish lords and their vassals under the control of the law, was passed in 1494; and from this moment we may date the revival of English ascendancy in the country. Mr. O'Flanagan seems to know nothing about the life of the prelate who doubtless presided as Chancellor in this assembly; yet he was one of those men who, without any claim to personal importance, have a place in our annals. Henry Deane, some time Prior of Llanthony, was Chancellor of Ireland in 1494-5; he became afterwards Lord Keeper in England, Bishop of Bangor, and Archbishop of Canterbury; and he solemnised the ill-fated but memorable nuptials of Prince Arthur and Catherine of Arragon. At the beginning of the reign of Henry VIII., we see a return for a few years to the practice of committing the Irish Seals to the scions of families of the Pale; and during the brief ascendancy of the House of Kildare, we find a St. Lawrence, who had fought with distinction at the great battle of Knocktuagh—the Harlaw of the Celtic tribes of Ireland—administering Equity as an Irish Chancellor. After the suppression of the Geraldine rebellion, when the King set himself to the task of consolidating his power in Ireland, we meet with Chancellors of a new type, formed doubtless in the revolutions of that age, and evidently selected as fitting instruments to carry out Tudor Irish policy. These men were nearly all ecclesiastics, trained in the school of Warham and Wolsey, and possessing considerable ability and learning, but pliant and useful servants of the Crown, and ready to do whatever Cromwell or their 'Sovereigne Lorde' might hint at or order. Mr. O'Flanagan's estimate of these functionaries depends mainly on the part they played in promoting or discouraging the Reformation in Ireland; and he commends highly the Catholic Cromer, and denounces his Erastian successors. We freely allow that those who aided in the ecclesiastical work of that age in Ireland are not entitled to admiration; and probably more than one of these Chancellors was thoroughly selfish and rapacious; but Mr. O'Flanagan's test of their conduct is, after all, an unsafe criterion; and he does not point out what, in our judgment, was the least amiable of their characteristics. Henry VIII., in spite of Mr. O'Flanagan, who paints him as Cardinal Pole did, had, nevertheless, a policy for Ireland in some respects enlightened and grand; he wished to break down the barriers between the colony and the aboriginal race, and to reduce both to loyal obedience; and

though he failed, partly through his own errors, his purpose was certainly wise and noble. His Irish Chancellors, however, although they bowed with meek submission to his commands, seem secretly to have tried to thwart them; filled with the dominant spirit of the Pale, they were to a man hostile to the 'Irish enemy;' and, whether they adhered to the old faith or acknowledged His Highness as 'Supreme Head,' the State Papers show that relentless oppression was their only expedient for governing the island.

The progress of Tudor conquest in Ireland extended the domain of English law, with the ever-increasing circle of the Pale. The confiscations of the religious houses gave an impulse also to litigation; and the practice of surrendering and taking back lands to be held by an English tenure, tended to the extinction of the Celtic customs. These causes contributed to enlarge the jurisdiction of the Irish Chancellors during the reigns of Henry and Elizabeth, and Equity having by this time become comparatively mature in England, began to flourish even in Irish soil. A School of Law, which it had been found impossible to establish before, rose upon the site of a suppressed monastery, and received the name of 'the King's Inns;' and, as we know from the State Papers, the legal profession became a powerful body not always subservient to the Government. The Irish Chancellors in this age abandoned their duties as criminal judges, and transferred them to the Presidents and other officials charged with the administration of this kind of justice; and they confined themselves to their proper Courts, which attracted an increasing amount of business. These functionaries were either lawyers, trained regularly to the practice of the bar, or prelates imbued with legal learning; some were unquestionably able men; and if we may judge from old legal documents, of which we have specimens in these volumes, they possessed considerable technical knowledge. Yet they do not wear a pleasing appearance as they pass along the stage of history, though one or two, like Weston and Gerard, seem to have been men of character and honour. As a class they belonged to the servile courtiers who so often climbed to power in those days—trimmers, ready to change their faith with the times, and constant only to the instinct of self; politicians, willing at all hazards to assert the doctrine of Divine Right; prelates, thinking more of their greedy families than of the Church they neglected and starved; and without an exception they could see nothing but evil in the native race, now more than ever alienated from their conquerors, by a double distinction of blood and religion. Thus

Sir Thomas Cusack, who held the office during the reigns of Edward VI. and Mary, appears to have been a very able man, and, what was singular in his position, he really endeavoured, in administering justice, to engraft some of the Celtic usages on the ungenial plant of English law; but he appropriated Church lands without the least scruple, although probably a professing Catholic, and, a trait not noticed in these volumes, he bravely declared that there was nothing wrong in a plot to assassinate an Irish chieftain. Archbishop Curwen, who, by the way, gave its succession to the late Established Church, was one of the meanest of timeservers; and the name of Loftus, Chancellor and Primate, and founder of the University of Dublin, stands out as that of an audacious jobber, and is still remembered in Irish annals as stained with inhumanity of the deepest dye.

The reigns of James I. and his son form an important era in Irish history. The island had been completely subdued; the last hopes of the brilliant Tyrone had perished after the day of Kinsale; the Pale extended over more than three provinces; and the nation awaited the will of its conquerors. Society had assumed the shape of a colony, forming an aristocracy of the sword, and in possession of much of the land of the country torn from its ancient owners by violent means, and of a subjugated people oppressed and despoiled and separated by wide divisions from its rulers. These lines of demarcation were deepened by the hostility of two rival churches, and by the conflict between the modes of life prevailing among the settlers and the nation. The crisis was one which demanded statesmanship of a generous and enlightened kind; and it would be unfair to say that the first Stuarts and their ministers had no idea of the nature of the situation. The Settlement of Ulster by which, notwithstanding a great deal of high-handed wrong, a real attempt was successfully made to reconcile the claims of the two races who dwelt in enmity upon the soil, and to plant the germs of a thriving community, remains a monument to the wisdom of Bacon; and the writings of Coke, and even of Davies, breathe a spirit of justice, nay of goodwill, towards the mass of the Irish people. But—what Mr. O'Flanagan has not pointed out with the clearness of one who understands the period—the effort to civilise and reclaim Ireland was frustrated by three distinct causes, and the result was a calamitous failure. In the first place, the constitution of the country was fashioned on a sectarian model; Protestant ascendancy became supreme in the State, and while the dominant colony monopolised all social and political power, the Church of the nation

was jealously proscribed. In the second place, with a narrowness of view, not however surprising in that age, peculiar care was taken to obliterate the usages of the Irish people; their customs were treated as barbarous and absurd; the few lands that remained to their leaders were brought under the control of English tenure, known to them as an expedient of coalescation; and their ancient institutions and organisation were placed under the protection of the law. And, in the third place, most important of all, if not a few of the statesmen of England had really noble designs for Ireland, the Government at the Castle fell into the hands of a succession of unscrupulous harpies, or of spoliators on a huge scale, who enriched themselves by multiplying forfeitures, and treated the country as a conquered province to be portioned out among Stuart favourites. On pretexts simply infamous or false, whole tracts were wrested from their former possessors and transferred to these official plunderers; the title of 'every estate in the kingdom,' it was said, 'was thrown into confusion and peril;' and the tale of wrong was grandly completed by the rapine of Strafford, who tried to confiscate the whole of Connaught for his master. The consequences were that the whole nation, including even the Catholics of the Pale, was exasperated against England and the Protestant colony, and that the hopes of security and peace on which progress depended were blasted; nor can it be doubted that these iniquities provoked the rising of 1641.

Mr. O'Flanagan's sketch of the Irish Chancellors, of the part they played in this evil trial, and of contemporaneous legal history, is very feeble and insufficient. From 1605 to 1619 the Seals were held by Thomas Jones, who also occupied the See of Dublin, and seems to have been a competent lawyer. This legal prelate proved himself a staunch supporter of the Protestant interest, which was dominant in Church and State; he gave his influence to Sir John Davies, in the well-known contest of 1613; and his visitation charges breathe little save an orthodox hatred of Irish Papists. It is said that he had some share in carrying out the Settlement of Ulster; but this probably was merely ministerial, for the design of that comprehensive scheme was foreign to his bigoted understanding; but we may readily believe that he approved or inspired the sweeping decision of the Irish Courts, which, with compendious presumption and harshness, pronounced the whole of the Brehon laws—laws, that even by the admission of Sir John Davies, possessed a 'curious mixture of natural equity' and governed the relations of the native race—a set of 'lewd and intolerable

'customs,' not to be maintained in a well-regulated state. The successor of Jones was a grandnephew of Loftus, the Elizabethan Chancellor of whom we have said a few words; he seems to have been a man of small parts, who, however, contrived to follow in the steps of his ancestor by enriching himself, with little scruple as to the means. It is not improbable that this guardian of the Irish conscience of the first Stuarts took an active part in the shameful proceedings for robbing Irish proprietors of their lands by suggesting inquiries into defective titles, which were too common in those days, nor yet that he pocketed the rewards of this traffic. We find that in 1639 he was dismissed from his office for malversation, in a great degree through the influence of Wentworth, who, if he was a beast of prey in Ireland, at least despoiled in the interest of the Crown, and had no sympathy with mere greedy jackals. Loftus, who, for services of a questionable kind, had been raised to the Peerage of Ely, was followed, in 1642, by Sir Richard Bolton, a lawyer of eminence as his writings prove, but whose career as Chancellor was cut short by the outbreak of the rebellion of 1641. We should wish to think well of this personage, for he has left on record sentiments with respect to the Irish race that do him honour, and that were not common in that age; but as, unfortunately, he assisted Strafford in his notable scheme for appropriating Connaught, his practice and speculation may have differed from each other. As regards the Irish Bar in those reigns, it seems to have increased in importance, owing probably to the number of lawsuits caused by the extinction of the Brehon customs and the general insecurity of titles. The Law Courts were permanently removed from the Castle; in the reign of Elizabeth it had been proposed to transfer them to St. Patrick's Cathedral; but Archbishop Loftus, fearing lest an inquiry into the interests of the Prebends might disclose some of his pleasant doings, had contrived piously to prevent this sacrilege.

After the subjugation of Ireland by Cromwell the Irish Seals were put in commission. The Commissioners, of whom the regicide Corbet was the most notable, seem not to have taken part in 'the settlement' of the country recorded carefully by Mr. Prendergast; this was carried out by the executive Government under the auspices of two special commissioners. At the Restoration, Sir Maurice Eustace, a scion of one of the families of the Pale, became Chancellor, and co-operated in the enactment of the celebrated statutes which, to this day, form the principal basis of title to most of the soil of Ireland. Mr. O'Flanagan properly condemns the injustice which stained the Acts of

Settlement and Explanation ; but it was hardly to be expected that the English Legislature would eject the Cromwellian colonists wholesale ; and the most odious feature of the arrangement was the favouritism of the King, and the repudiation of the claims of the demands of Catholic proprietors, who had at least a right to a hearing. Sir Maurice Eustace, we think, acted like an honourable man in these transactions ; he did much to stop the malevolent reports against the loyalty of the Irish Catholics, which the Protestant Irish scdulously circulated ; and his hands remained clean in a scramble for property from which too many of the Castle profited. The memory of this eminent magistrate has not yet been wholly forgotten ; and though his lands have passed, in the strange vicissitudes of Irish property, to the descendants of the ancient Huguenot family of La Touche, the peasant near Harristoun, in the County Kildare, can still point out the ruins of the mansion built and adorned by the worthy Chancellor.

The next holder of the Irish Seals was Michael Boyle, Bishop of Cork and Archbishop of Armagh and Dublin, the last and not the least distinguished of the nitred jurists who have filled the highest office in the land in these kingdoms. This prelate was a nephew of Richard Boyle, in after years the 'great Earl of Cork,' one of the most successful of the adventurers who, towards the close of the sixteenth century, made their good swords and their orthodox creed passports to honours and wealth in Ireland, and who, in some instances, and conspicuously in that of the noble House of Boyle, became the founders of families which have proved a blessing to their adopted country. Dr. Boyle first attracted public notice by his able advocacy of the claims of the Protestant settlers in the Diocese of Cork, when the Act of Settlement was under discussion ; and, having been selected by the Irish Government as an agent to watch the progress of the Statute in its passage through the two English Houses, he received the thanks of the House of Lords for 'the services he performed on this occasion.' He became Chancellor of Ireland in 1663, and held the office for twenty-two years, during the period of superficial repose which preceded the rising of 1688-9. Although bred an ecclesiastic, he was certainly a very able judge ; and he enjoyed a reputation on the Irish Bench not much inferior to that of Lord Nottingham, his groat English contemporary. His Chancery 'orders' are still extant, and show that Equity had, by this time, acquired in Ireland a scientific form, and must have been assiduously studied by a learned and well-trained body of lawyers. Dr. Boyle was charged with having been

'a pluralist and jobber' in official life; but, as he was dismissed by James II. in 1686, when that sovereign was inaugurating his calamitous and reckless Irish policy, we are inclined to think that he was not only an able but an upright public servant.

The next name that appears on our list is that of one of the best of the Irish Chancellors. Sir Charles Porter was an English barrister who first became known in Westminster Hall as one of the counsel who became involved in the disputes in the reign of Charles II. touching the jurisdiction of the House of Lords in Equity Appeals in cases in which a member of the House of Commons was interested. Porter was arrested by the Serjeant-at-Arms, 'without being allowed' to finish an argument he was addressing to the Master of the 'Rolls,' for having contended for the right of the Upper House; but his brief imprisonment proved fortunate, for he soon attained considerable practice. In 1686 he received the Irish Seals from James II., at a conjuncture of great political moment, calculated to test the worth of public men. The King at this time had formed the design of humiliating the Protestant colony of Ireland, and of changing the constitution of the country by the mere exercise of arbitrary power; and for this purpose he resolved to make dangerous encroachments on the Act of Settlement, and to violate fundamental laws by raising Catholics to high places in Ireland, and practically giving them civil ascendancy. Admitting—and who will contradict?—that the existing order of things in the country was essentially unjust and grievous; that the Act of Settlement was tainted with wrong; and that the proscription of the Catholic nation of Ireland was lamentable and perilous in the extreme, still the revolution meditated by James was a mere outrage on public right; and, as might have been expected, it only ended in prolonging for generations the misfortunes of Ireland. The conduct of Sir Charles Porter at this difficult time was much to his honour. He assented to a compromise that would have considerably modified the Act of Settlement; he even acquiesced in the elevation of Catholic Judges to the Bench; but he refused to sanction the foolish violence of Tyrconnel against the Protestant interest; and for this he was removed from office. In his case, however, probity was not to prove the truth of the saying of Juvenal, and it was given him, in his subsequent career, to uphold the rights of the ill-fated race of which, doubtless, he appeared to James the prejudiced and harsh adversary. Sir Charles Porter returned to the Bar and practised until 1690; but when after

the Boyne and Aghrim the Revolution had triumphed in Ireland, he was made one of the Lords Justices by William, his high character, as we may suppose, having pointed him out as fit for the office. In this capacity he affixed his name to the celebrated capitulation of Limerick; and, unlike most of the statesmen of the day, he insisted earnestly that the faith of England was pledged to observe the terms of the treaty, and expressed deep regret at the violation of it. Having been appointed Chancellor of Ireland, he threw all his influence on the side of a policy of mercy to the vanquished nation; and he steadily opposed the fierce zealots who clamoured for measures of general extermination. Mr. O'Flanagan's volumes contain letters of much interest hitherto unpublished, which illustrate the sentiments of the parties which determined Irish politics at this juncture; and it is gratifying to find that Sir Charles Porter invariably was an advocate of clemency. It is significant, and is an additional proof of the character of a ruler who at heart scorned the fanaticism of his Irish adherents, that William endeavoured on such occasions to support his Irish Chancellor, who, however, did not escape impeachment at the instance of the extreme Protestant faction. Sir Charles Porter died in 1697; we shall not say with Lord Clarendon that he 'was one of the two honest lawyers we have known;' but he was one of the purest and noblest characters that adorn the judicial annals of Ireland.

We can only briefly notice the 'Lives' of the other Chancellors of this era. Mr. O'Flanagan feebly tries to vindicate the reputation of the notorious Fitton, who held the office during the short period of Catholic ascendancy under Tyrconnel, to be succeeded by a terrible retribution. That this personage was of ancient lineage and was tolerated by the Irish Bar while the English bowed down to Scroggs and Jeffreys, will hardly get over the indisputable facts that he was charged with subornation—of forgery—and was raised to the judicial Bench from a gaol. An eminent lawyer, Richard Freeman, whose Reports are still occasionally quoted, and who owed to James his first rise in life, was Chancellor of Ireland in 1707; but he resigned the Seals three years afterwards, and there is nothing remarkable in his career. The same may be said of Lord Chancellor Methuen, better known as the negotiator of the Treaty with Portugal, which still bears his name, than as a politician and Judge in Ireland, and of Sir Constantine Phipps, ancestor through five descents of the distinguished nobleman who was first enabled to carry out the policy of discouraging Irish Orangeism inaugurated by Lord Wellesley.

Sir Constantine was a friend of Swift, who paints his character in agreeable colours; and he seems to have endeavoured to mitigate the fury of the excessive Protestant faction at the Castle; but little is known of him except that he held the Seals from 1710 to 1714, and that at the accession of George I. he, with other Tories, was removed from office.

By far the most remarkable character of this age was Sir Richard Cox, a man of extraordinary versatility of parts, who truly 'made the world his oyster,' and whose career curiously illustrates the freaks of fortune in Ireland in that generation. Young Cox sprang from an Anglo-Irish family, settled for some time in the neighbourhood of Bandon, long known as the 'Derry of the south of Ireland,' and the very Mecca of Munster Protestantism. He began life as a country attorney; but having aspired to the honours of the Bar, he attained the rank of Recorder of Kinsale, and Chairman of Quarter Sessions in the county of Cork, about 1680 or 1681. Like many of his race, he was compelled to fly at the outbreak of the Popish revolution commenced under the auspices of Tyrconnel; and it is not improbable that his judicial charges, which savoured strongly of Puritan zeal, may have exposed him to considerable danger. He found a refuge at Bristol, and there formed an intimacy with Sir Robert Southwell—a loyal adherent of William III., whose visit to his host is still among the traditions of the noble seat of King's Weston—and from this retreat he published a bitter philippic against Popery and the Irish race, which still has a place in some libraries. The friendship of Southwell or the fame of this work introduced the author to the Prince of Orange, and Recorder Cox is next seen in the camp of the Anglo-Dutch army in the capacity of a kind of military secretary. He did good service the day before the Boyne in suggesting with much presence of mind a ruse to discover the strength of the enemy; and after the battle he composed the 'King's Declaration' to the citizens of Dublin. He acquitted himself so well in this task that William observed, 'Do not alter a word;' and for a series of similar services he was appointed at the termination of the war to the double but not incongruous offices, considering the then condition of Ireland, of Judge of the Court of Common Pleas and Military Governor of the Cork District. In 1693 he was one of the Commissioners of Forfeited Estates; and ten years afterwards, having in the meantime filled the highest place in his own Court, he was raised to the rank of Chancellor of Ireland. In this capacity he sedulously promoted, as might indeed have been expected from him, the worst enactments of the Penal

Code; yet it is but just to add that, like Porter, he had on previous occasions contended for the obligatory force of the Treaty of Limerick. Sir Richard Cox is said to have displayed great ability as an Equity Judge; but, however this may have been, he found leisure to cultivate his taste for letters, and while Lord Chancellor, he wrote a philosophical treatise of some merit, and a series of acrimonious pamphlets filled with Calvinism and elaborate denunciations of Popery and the 'barbarous Irish.' It was the fortune of this singular character to fill almost every office in the land; he resigned the Seals in 1707, but was made Lord Chief Justice in 1710, having triumphantly passed through the ordeal of an impeachment. Sir Richard Cox lived until 1733, long enough to witness the secure establishment of Protestant ascendancy in Church and State, and retaining, it is said, to the last his antipathy towards the 'idolatrous nation.' He undoubtedly was a man of great mental powers; but it is significant of the difference between the state of England and Ireland in that time, that one who was half a soldier, half a lawyer, and altogether a bitter fanatic, should have held the dignity in the sister country which in ours was adorned by Lord Somers, a contemporary of very dissimilar character.

We have now reached a series of Chancellors who held office during the most melancholy and disastrous period of the history of Ireland. The short-lived triumph of the Catholic cause in 1686-88 had been followed by the Boyne and Aghrim, and Catholic Ireland was reduced by the conquerors to complete subjection. The ascendancy of the Protestant colony which, though often interrupted by wild risings, had been growing more secure, was absolute and unquestioned; and the prostrate nation lay helpless in the chains of a degrading bondage. The descendants of Elizabethan and Cromwellian settlers were owners of five-sixths of the soil, and formed a tyrannical aristocracy of sect; the children of the ancient proprietors were either exiles in foreign lands or vegetated in thralldom on the estates of which their ancestors had been masters; the people formed a despised peasantry, already multiplying in swarms of pauperism. This state of society was stereotyped as it were upon the face of the country by that terrible Code which had for its objects the perpetuation of Protestant domination, the abasement of the real Irish people, and the separation into distinct castes of the races and creeds which common justice would have even yet fused into one nationality. The Penal Laws not only secured every office in the State to the favoured faith; not only threw the whole weight of the

Government into the scale of a Puritan oligarchy; not only outlawed a nation to give a faction a monopoly of power and the privilege of doing wrong; not only persecuted the religion and outraged the conscience of Catholic Ireland; they corrupted and injured the whole body politic, and, in their aim at depriving the Catholics of the means of ever rising again, they endeavoured to prevent them from accumulating wealth, tried to destroy their family relations, and sanctioned an inquisition of the vilest kind into their most private and domestic arrangements. The enactments by which it was sought to annul the marriages of Protestant and Catholic persons, to rob the Catholic parent of his estate and tempt his son to an interested conversion, to forbid Catholics to purchase land, and to encourage a brood of base spies to make 'a Protestant discovery' of their transactions, are monuments of intolerable wrong; and it is strange that such atrocious training did not ruin the moral sense of the community. In this state of things Government, though firm and settled, was a mere system of oppression; and through that watchful Nemesis which attends wrong, the very interest for the benefit of which this system of iniquity was planned, suffered permanently and seriously from the consequences. The Protestant colony, cut off from the nation, became the dependent garrison of England; its legislature was feeble, corrupt, and worthless; and it grew into a type of society, coarse, domineering, wasteful, and reckless, which had little in common with a real aristocracy.

Such, feebly depicted by Mr. O'Flanagan, was the condition of Ireland during the generation that followed the accession of the House of Hanover. The Chancellors of this period reflected the character of the Government and the sentiments of the dominant party in the State, and, however differing, have a family likeness. They were personages of ability and repute; indeed Lord Midleton was a great lawyer, and in his own way a very honest politician; Lord Chancellor West was a capable judge; and Lords Wyndham and Jocelyn filled their offices with commendable dignity. But they were without exception Englishmen—the executive of the mother-country being unwilling to intrust a place of political importance to mere colonists, and the feelings of the Irish Bar on the subject being not considered worthy of a thought; in the disputes which occasionally arose between the Government and the Protestant oligarchy, they invariably maintained what was described in the slang of the day 'the English interest.' They were in fact the associates and partners of such prelates as Boulter and Stone, the real rulers of Ireland at this period;

and whether there was a question of the supremacy of the English over the Irish Courts, or of the dependency of the colonial Irish legislature, or of the unlimited power of the Crown in Ireland, they upheld the pretensions of the sovereign State. As a set-off, however, they vindicated the privileges of the dominant caste against the injured and degraded nation, and, indeed, contributed not a little to rivet the chains of Protestant ascendancy. It fell to the lot of these Chancellors to administer the worst parts of the Penal Code—those which struck at the peace of Catholic families, forbade the acquisition of land by Catholics, and encouraged ‘discoveries’ of such purchases; and unquestionably judges who entertained a natural aversion to such statutes could easily have softened their rigour. But, one and all, these exponents of Equity pressed the Code to its most extreme limits; and, viewed in the light of modern ideas, some of their decisions appear monstrous. Mr. O’Flanagan gives a few instances of these odious interpretations of law, but he has not been happy in his selection, and a more complete and significant list will be found in ‘Howard’s Popery Cases.’ An Equity student of the present day will be surprised to learn that, according to the doctrines of these Irish Chancellors, even an outlaw could be a Protestant ‘discoverer’; that purchases of lands for valuable consideration without notice of the original defect, gave no title if at any time, however remote, a Papist purchased; that a trustee could repudiate his trust in order to become a ‘discoverer’; that, to cause a forfeiture against a Papist, a trust of lands need not have been declared in a written instrument; that, in a word, settled principles of jurisprudence, and even the provisions of important statutes, were set at naught that a penal code of the most harsh kind should have free scope. Yet more suggestive than the letter of these judgments is the spirit which, as it were, breathes through them, and which proves what, in that age, must have been the perversion of thought in this matter. We find nowhere a touch of sympathy with the sufferers from these inhuman decrees; we are often reminded that the Penal Laws are in the strictest sense ‘remedial’; and, indeed, in one case, it was coolly asserted that a Papist had no right to complain, because the law would not assume the existence of such an obnoxious person!

We can only glance at the history of Ireland, connected in any way with our subject, during the generation after 1760. Our readers know how public spirit, fostered by the writings of Lucas and others, developed itself in the Protestant colony; how an agitation gradually sprang up for its emancipation

from the mother-country; how, at the crisis of the American war, England was obliged to make concessions which would have been scornfully denied before; how the Irish Legislature was declared supreme; how the trade of the island was set free from the vexatious restrictions set upon it; how the Irish judicature was made independent and the prerogatives of the Crown were curtailed; and how a brilliant period of hope ensued, the harbinger, it was thought, of a national resurrection. As yet, however, little had been done for the proscribed and discredited Catholic people; and, though the worst of the Penal Laws were repealed, the Parliament, reflecting Protestant ascendancy, refused, by overwhelming majorities, to do Catholic Ireland political justice. Nevertheless, such is the quickening spirit of aught resembling free institutions, that a strong opposition, with Grattan at its head, upheld the rights of the injured race; and had not the Irish Parliament been lamentably corrupt, or had not the French Revolution sowed the seeds of anarchy and discord in Ireland, the measure of 1829 might have been anticipated by Irish statesmen. During the troubled, changeful, yet stirring period, the Irish Seals were held by two men who represented what may be called inflexible Anglo-Irish Conservatism. Lord Bowes, an Englishman at the Irish bar, was Chancellor from 1757 to 1767; and was certainly a very able lawyer. The few remaining specimens of his judgments—Mr. O'Flanagan quotes a remarkable extract—show that he had fine reasoning powers, and a penetrating and calm intelligence; and he expressed himself in the terse, felicitous style, not uncommon on the judicial bench during the time that it was graced by Lord Mansfield. As a politician, however, and public man, he was a mere instrument of the junta at the Castle; and he opposed stubbornly every attempt to relax the severity of the Penal Code, and every demand of the Protestant Irish. His successor, Lord Lifford, an Englishman also, but not bred up in the Irish Courts, was a lawyer of much the same type; but though in politics he played a like part, he was less uncompromising in his opinions, no doubt because he fell on times when the Government was continually in difficulties, and judicious trimming was prudent and necessary. We have a tolerably accurate collection of the decisions of this eminent judge; they disclose a ripe acquaintance with Equity, and are couched in neat and scholarlike language. Yet he did not depart from the views of his predecessors in his interpretation of the Penal Code, though here it must be said for him, that he may have felt the obligation of established precedents. In the recent debates on the Irish Land Act, Lord

Cairns referred to a judgment of Lord Lifford, as evidence that the Irish judges went out of their way in the last century to protect the rights of the Irish peasantry—a paradox of extraordinary boldness; nor does the case of *Murray v. Bateman*, alluded to by the noble Lord, lead a candid mind to any such conclusion. Lord Lifford held the Irish Seals during the long space of twenty-two years, from 1767 to 1789; and through all the changes of this stormy time, he contrived to make himself acceptable to Governments of the most opposite character, and to obtain very considerable gratifications, over and above the ordinary emoluments of office, for his eminent services in Church and State. Though really a decided politician, he held the even tenor of his way, whether Whig or Tory was in power, balanced by the weight of honours and riches; and if his sympathies were always with the Castle, he managed, with no common tact and cleverness, to stand tolerably well with the popular party.

Mr. O'Flanagan's volumes contain sketches of the Irish Bar, and of some of its leaders, during the periods we have been briefly noticing. None save those who either professed, or had conformed to the dominant faith, were allowed to enter the ranks of the profession; and men like Butler, Nagle, and Rice, who had adorned the bar, in a previous generation, were excluded from it with jealous bigotry. Yet to judge from several distinguished names, not a few Catholic Irish families had representatives in the Irish Forum; and the presence of this class of practitioners, who, it was said, were 'worse than 'actual Papists,' afflicted the conscience of more than one Chancellor. Many Catholic barristers, however, conformed and became Protestant in an equivocal sense; yet, even in these instances, an association with the old faith seems to have continued, for usually lawyers in this category were intrusted with briefs for Catholic defendants in their sad struggles with Protestant 'discoverers.' The most remarkable example of this occurs in the case of the family of Malone—a junior branch of the O'Connors of Offaley; it changed its creed in the last century, and gave a succession of eminent men during three generations to the Bar and Bench, the most remarkable being Anthony, sometime Chancellor of the Irish Exchequer, and still remembered as a high-minded patriot and the dauntless advocate of the Catholic client. The Four Courts of those days had nothing in common with the noble pile which now forms an appropriate temple to Irish justice; they were a mass of buildings at the back of Christ Church, known by the ominous name of 'Hell,' in the midst of ruined and filthy streets,

running down to the southern bank of the Liffey. This whole region was an Irish Lincoln's Inn Fields, crowded with the chambers and dwellings of lawyers; and here the Marlays, the Tisdalls, and Singletons, and other stars in the legal firmament, were consulted by deferential attorneys, perused the knotty volumes of the Reports, and earned applause, or made fortunes. If we may judge from the Law Reports that survive, the business of the Bar was well done; the causes seem to have been well argued, and points of law to have been thoroughly discussed; and we occasionally find much neatness and even elegance of expression. The age of what is called Irish eloquence, the results of a stormier time, had not arrived; but something of the purity and grace of style conspicuous in the works of Berkeley and Goldsmith, had found its way into the Irish Forum; and tradition records that Anthony Malone was not inferior to William Murray in correctness and felicity of diction. Yet the evidence of Reports may be deceptive; and though the Irish Bar of those days undoubtedly contained illustrious names, the average education and quality of its members do not seem to have been very high. Complaints abound in contemporary letters, and even in formal legal treatises, of the extravagance and idleness, of the drunkenness and vice, too prevalent among Irish lawyers; and we have ourselves seen a Grand Jury minute, that a Chief Baron of this period was, as usual, 'in a state of intoxication.' Indeed, though a few great lawyers appeared in almost every generation, it was hardly possible that the legal profession could attain a standard of general excellence in the disordered state of Irish society.

The next Chancellor of Ireland was one of the most remarkable men on whom the dignity has devolved. Lord Clare was born in 1749, the second son of John Fitzgibbon, a hardworking member of the Irish Bar, who amassed a considerable fortune by penurious thrift and professional industry. The boy gave promise at an early age of an imperious temper and of fine parts, and he was brought up to scorn the Irish Catholic, his father, who had conformed to Protestantism, being a more than usually zealous convert. Young Fitzgibbon distinguished himself greatly at college, and was called to the Irish Bar in 1772, where he rose quickly and had large practice, the wealth he inherited in no wise deadening his resolute energy and eager ambition. He became in 1780 one of the representatives of the University of Dublin, and flung himself with ardour into the patriotic movement for the Parliamentary independence of Ireland, which proved successful in 1782.

His proud, stern, yet handsome figure stands out prominently in old prints commemorating the meetings of the Volunteers; and at this time he was esteemed and respected by Charlemont, Grattan, and the chief Irish Whigs. Indeed, when the Coalition was in power, he was made Attorney-General for Ireland at the early age of thirty-four, and for some months he co-operated zealously with Fox in his enlightened Irish policy. Keen-sighted, however, and without scruples—'beware of that 'young man,' it had been remarked to Grattan—Fitzgibbon saw when the favourable time had come for a legal 'Thane' to 'fly;' he carried unto the camp of Pitt audacity, vigour, and a malevolent tongue; and when Pitt became Minister, the Irish Attorney-General continued in office.

During the next five years Fitzgibbon was the master-spirit of the Irish Government at the Council Board and in College Green; and if his effrontery was without shame, his talents were commanding and brilliant. At this juncture the system of ruling the liberated Parliament by open corruption and the high hand was in full vigour; and the salaried patriot lavished patronage, defended jobbing of the worst kinds, and denounced his former political friends with unremitting zeal and rare ability. Though his style of speaking was rude and coarse, he was a cool and formidable debater; the force of his overbearing disposition swayed the Administration and Opposition; and if he was a political bravo, if he often lowered the dignity of his office by violence and opprobrious language, he was at least as daring in act as in word, and fearless in every turn of politics. For such services, and also because, unlike Thurlow, he had stuck to Pitt during the critical period of the Regency debates, Fitzgibbon was elevated in 1789 to the rank of Lord Chancellor of Ireland; and, singular as had been his training, he was not, in one sense, unfit for the office. He really was a very able judge; and though he was supercilious to the Bar, and his harsh arrogance occasionally broke out, his clear, penetrating, and masculine intellect enabled him to become an adept in Equity. This was the most brilliant period of the Irish Bar, for a singular combination of circumstances had raised the position of the profession, and had thrown on it a lustre of fame it never possessed before or since; yet in point of talent its recognised head was not inferior to any of its members. Fitzgibbon, having been made Earl of Clare, presided in the Irish House of Lords until its extinction at the Union, and exhibited in that Assembly the peculiar qualities which made him conspicuous in the House of Commons. His speech in favour of the Union, indeed, is a model of insolence,

yet of sound argument ; and if he browbeat and sneered at the Irish Peers, as the low-born offspring of Cromwellian settlers whose very existence depended on England, he demonstrated that the well-being of Ireland was bound up with the British connexion. When Chancellor, as when Attorney-General, Lord Clare was almost supreme at the Castle ; and, during the dark and disastrous period which witnessed the rise of the United Irishmen and the rebellion of 1798, he was, we regret to say, the inflexible advocate of an indiscriminating policy of coercion. He made himself especially conspicuous by his denunciation of the Irish Catholics ; and his ferocity disgusted the humane Cornwallis, and even shocked the cool-headed Castlereagh. Lord Clare hardly outlived the Union ; having first, however, completely failed in the English House of Lords, where he tried in vain to domineer as he had done in Ireland, and he died neglected and generally detested. He was a coarse-minded and even a bad man, yet he had a strong character and great gifts, and tradition records that he could be a warm friend as well as an implacable enemy.

We have no space to notice at length the Irish Chancellors after the Union. During the generation which followed that event, Ireland was in a state of political torpor, broken only by remitting agitation, and, save for an interval of a few months, was bound in the chains of Tory misgovernment. The Rebellion of 1798 and the reaction against the French Revolution, had checked the progress of liberal ideas ; the hopes of Catholic Ireland had been prostrated by the obstinacy of George III. and the concession of Mr. Pitt ; and darkness gathered over the ill-fated land which for a season had rejoiced in hope. The administration of the country fell into the hands of the Orange oligarchy—the legitimate descendants of the ancient colonists who had never amalgamated with the nation ; a sectarian faction ruled at the Castle, and the Governments of the Percevals and Liverpools, distracted by the perils of the war, and alarmed at the attitude of the people, had no policy but that of relying on the Protestant garrison to keep down the Catholics. A change for the better certainly began during the Lord-lieutenancy of Lord Wellesley ; but even that illustrious statesman was unable to extirpate Protestant ascendancy, and it was reserved for a more fortunate time to accomplish that tardy measure of justice. With one exception, of which we shall say a word, the Irish Chancellors of this period reflected the harshness and sectarian prejudices which characterised the whole system of government. Lord Redesdale, who succeeded Lord Clare, though in no sense a great jurist—he was fond

of sneering at Lord Mansfield, whose genius he was unable to comprehend—was a consummate lawyer of the Eldon type; and he presided in the Irish Court of Chancery for some years with very high credit. Yet this worthy and really amiable man was as violent a fanatic as Lord Clare; he was a mere instrument for an Orange junta; and he has left on record his deliberate opinion that Popery was the sole evil in Ireland, and that what she required was a second Cromwell. Lord Manners, who held the Irish Seals for the long period of twenty-two years, from 1807 to 1827, could not be compared to Lord Redesdale in law; but in politics he was a fitting parallel with more plausibility and less vigour; and his system of sectarian favouritism at the Bar and in the appointment of Justices of the Peace is unhappily not yet wholly forgotten. Men such as these, representing faithfully the false and mischievous views of their party, only added fuel to the animosities of Ireland; nor can we wonder that, being what they were, they have left disagreeable memories behind. One Chancellor, however, of these days, stands out in distinctive and honourable contrast. George Ponsonby, the friend of Grattan and Charlemont, one of the purest patriots of the Irish Parliament, and afterwards leader of the Whig Opposition, received the Irish Seals in 1806; and, during the short ministry of 'All the Talents,' won golden opinions for his impartiality and liberal conduct in his high office. Let us add, however, that in this he was only true to the family character; the house of Bessborough has at all times deserved respect and esteem in Ireland.

The successor of Lord Manners was Sir Anthony Hart, who held the Irish Seals for three years only. Sir Anthony was an able lawyer and an honourable and high-minded man, but there is nothing remarkable in his judicial career, except perhaps that he gave little countenance to the pretensions of the Orange magistracy. It had been expected, when the break-up of the Liverpool Administration placed Canning in office, that Plunket would have become Chancellor of Ireland; but owing to the jealousy of George IV., the illustrious advocate of the Catholic claims was nominated to the Rolls in England, although he never sate in that Court, the English Bar resenting what it thought the intrusion of a stranger from an alien forum. In 1830, when he came into power, Lord Grey did tardy justice to Plunket, who had been vegetating since 1827 as Chief of the Irish Common Pleas; and the great orator, having been made Chancellor, continued in office until 1841, except for an interval of a few months. During this era of

memorable change, the Irish Government endeavoured to give effect to the noble measure of justice by which at last the gates of the Constitution were thrown open to Catholic Ireland, and her people became in a true sense citizens for the first time in her unhappy history. The system of ruling the country through a faction, of giving an oligarchy of sect a monopoly of influence, of treating the Irish as a subject race, was wholly and for ever abolished; and though much remained yet to be done, Protestant ascendancy at least received its death-blow. Plunket, as a member of the Executive at the Castle, took part in this great social revolution; but age and infirmities had lessened his powers, nor can it be said that as an Equity Judge he added to his previous reputation. We shall not dwell on the life of this eminent man, for we reviewed it not long ago;* and an interesting account of his career has been published by one of his grandsons, who has already shown to the House of Commons that he inherits some of his ancestor's gifts, though we regret to say they have been displayed from the benches of the reactionary party. The characteristics of Lord Plunket—he was raised to the Peerage in 1827—may be set forth in a few sentences. In politics he was a disciple of Burke, and a Whig of that sober, thoughtful school; and accordingly in his Parliamentary career he adhered to the party of Lord Grenville, denounced Napoleon and the French Revolution, disliked the excesses of English Radicalism, and advocated on high Constitutional grounds—as required by the principles of 1688 interpreted in their true meaning—the concession of the Catholic claims. As a lawyer he was not very great, though his reasoning powers were of the finest kind; nor was he distinguished as a judge, though he discharged creditably the duties of his office. His eloquence is his true title to renown; his speeches on the Catholic question are the best ever made upon the subject considered from an Imperial point of view; and in closeness of reasoning, power of statement, convincing force, and dry, hard sarcasm, he has not been surpassed in the British Senate.

Mr. O'Flanagan's volumes do not extend beyond the Chancellorship of Lord Plunket, and we have no wish to overpass these limits. In looking back at the long series of distinguished names we have been considering, one reflection, we think, must strike the mind. Some of these Chancellors were good men, with a fine natural sense of right; many were richly endowed with intellect; all were placed in an eminent position from which, it might be supposed, they ought to

* Edin. Rev. July, 1867.

have seen the fitting course of our Irish policy. Yet with rare and not very important exceptions, they identified themselves with an odious system of conquest, misgovernment, oppression, and proscription; they sided with the colonists of the Pale in their cruel strife with the Celtic tribes; they seconded Tudor and Stuart ambition; they believed that Christianity was promoted by a state of society in which a sect was encouraged to trample a nation down; they obliterated studiously the forms of life and usages congenial to Irish instincts; they were staunch friends of Protestant ascendancy; they saw in the Irish people a degraded race, pariahs in the midst of a superior caste, whose mission it was to subdue and civilise. The reason of this great moral perversion was that they belonged usually to the conquering race; and they were compelled from the nature of their office to promote measures of wrong and severity, and to administer laws which, viewed as a whole, enthroned injustice in the very seat of equity. Yet were they not sinners beyond others; for this unhappy tone of opinion, until a comparatively recent period, pervaded the whole of the Government of Ireland; and it especially characterised the whole Judicial Bench, which, until the beginning of this century, was but too instinct with the evil spirit of the ascendancy of class and religious exclusion. The Bar of Ireland, more within reach of popular and improving influences, felt the approach of a better time sooner; and, since the days of Curran at least, has proved itself on many occasions not unequal to its place in a free State; but even this body was too long an example of the unhappy misrule which sacrificed a people to a caste and a creed. Those who feel astonished that the Irish have no affection for the English name will do well to recollect these facts. It is not long since the Irish race knew English law and its representatives only as emblems and signs of injustice; and a nation needs time to unlearn its history. The appointment of the distinguished person who is now the Keeper of the Irish Seals—esteemed by Irishmen of all parties, and the first of the race and faith of the people to whom the office has been intrusted—will, we trust, tend to lessen antipathies, deplorable indeed, but not difficult to comprehend.

ART. III.—1. *Songs before Sunrise*. By ALGERNON CHARLES SWINBURNE. London: 1871.

2. *Poems and Ballads*. By A. C. SWINBURNE. London: 1866.

3. *Notes on Poems and Reviews*. By A. C. SWINBURNE. London: 1866.

4. *Chastelard: a Tragedy*. By A. C. SWINBURNE. London: 1865.

5. *The Queen Mother. Rosamond. Two Plays*. By A. C. SWINBURNE. London: 1860.

IN noticing Mr. Swinburne's '*Atalanta in Calydon*' we paid a merited tribute to the lyrical and descriptive power which parts of the poem displayed. While doing this we at the same time pointed out some striking defects both of substance and form which marred the execution of the work, and seriously interfered with its unity, completeness, and poetical effect. These were its perverted moral perceptions, harsh and violent religious spirit, even from the Greek point of view, unpruned exuberance of language and imagery, want of definiteness in the conceptions, and of fresh and living interest in the motives and management of the story. In a word, there was a marked poverty of the ethical and reflective element, combined with a wild luxuriance of merely metrical diction, an obscurity of thought and expression, a monotony of emotional and rhythmical effect that, if uncorrected, would exclude the author from any high or permanent place even among contemporary poets. During the interval that has elapsed since the publication of this drama, Mr. Swinburne has produced two volumes of collected poems, besides an historical tragedy and occasional pieces of considerable length. We have thus ample materials for judging how far Mr. Swinburne's maturer poems fulfil the better promise of his earlier work. It is hardly necessary to state at any length the result, for it is unhappily but too notorious. In his later volumes all the vices of his earlier thought, and feeling, and style not only reappear, but reappear in an intensified and malignant form. This, moreover, is not the worst. The later writings are marked by new features, so coarse, repulsive, and utterly unpoetical, that they must of necessity prevent the writer from being numbered or named amongst the poets whose genius has been fruitfully employed for the delight and instruction of mankind. These features are, it is well known, a feverish sensuality sinking at

times into the lowest depths of obscenity, and, as the speculative reflex of this, a passion for blasphemy, for reviling the higher powers and laws of the universe, so violent, bitter, and envenomed as very much to defeat its own object. It is not a very grateful task to dwell on these peculiarities, but in the higher interests of literature it is necessary that they should be at least signalised and exposed. This is the more desirable as in the new volumes there is no falling off in the writer's old power. He shows the same mastery over certain materials and departments of his art. Many of the new poems evince the same wonderful sense of melody, the metrical beauty of some being extreme. As mere verbal music several of the lyrics in 'Poems and Ballads' are almost perfect, such for example as 'The Match,' 'The Garden of Proserpine,' and 'The Sundew.' These and some others are moreover simple, expressive, and complete in feeling as well as in form. But in relation to much that the volume contains these songs are like sweet flowers on a dunghill, precious gems amongst sordid and venomous refuse, or points of tender light above the gloom and horror of corruption and decay. This is particularly true of the beautiful little song entitled 'The Match,' which is placed between two pieces that, although full of the writer's peculiar power, could not be quoted out of Holywell Street, and are even worse in what they suggest than in what they express. In both volumes there are, moreover, characteristic illustrations of the rich and vivid descriptive power which appears so conspicuously in 'Atalanta.' The last volume, 'Songs before Sunrise,' displays in addition a certain faculty of musical thought, or rather of stating large abstract conceptions in a lyrical form, which the author had not previously evinced, at least in equal strength, definiteness, and persistency. A writer who employs gifts of this order for vicious ends may succeed in doing considerable injury, especially amongst the young, the thoughtless, and the ignorant. The glorification of sensual appetites and sensual indulgences as the highest exercises and elements of human nature may find a dangerous response in the ill-governed hey-day of youthful blood, while the daring proclamation of principles subversive of domestic life, social order, and settled government, may from its very boldness and novelty have a disastrous fascination for excitable but weak and unbalanced natures. It is not unlikely, indeed, that Mr. Swinburne's crude but highly-seasoned hashes of old impieties may even be regarded as a new Evangel by credulous and wondering disciples. But, apart from these, there is much in Mr. Swinburne's writing to attract students of a higher type who may be

at the same time raw in experience and unripe in judgment. Open, sympathetic, and generous natures, thirsting to enjoy everything that is fresh and stimulating in literature, and anxious to enrich their minds from all legitimate sources, would welcome Mr. Swinburne's lighter, descriptive, and lyrical pieces; and would naturally be disposed therefore to believe that the obscure conceptions and suggestions of his more serious and passionate moods might embody profound truths and valuable experiences, the result of earnest meditation and matured thought. Those who are not accustomed to look carefully into the operative principles and pervading motives of a poet's work may easily be mistaken as to its real drift and deeper meaning. And while we quite acquit Mr. Swinburne of being intentionally obscure, he nevertheless often is so, and many of the oracular utterances of his later volumes will not be intelligible to half his readers. It will be a service, therefore, to them if we attempt to point out and illustrate in some detail the leading principles of Mr. Swinburne's muse as exemplified in the main body of his recent poetry.

Although we are by no means indifferent to moral considerations, it is on literary and artistic rather than on moral grounds that we purpose judging Mr. Swinburne and his latest work. This is the standard by which he himself claims to be tried; and we are quite willing to admit the claim and accept the challenge he gives to his critics. In the last paragraph of his published defence of perhaps the least defensible part of his writings, he speaks as follows:—

'When England has again such a school of poetry, so headed and so followed, as she has had at least twice before, or as France has now; when all higher forms of the various art are included within the larger limits of a stronger race; then, if such a day should ever rise or return upon us, it will be once more remembered that the office of adult art is neither puerile nor feminine, but virile; that its purity is not that of the cloister or the harem; that all things are good in its sight out of which good work may be produced. Then the press will be as impotent as the pulpit to dictate the laws and remove the landmarks of art; and those will be laughed at who demand from one thing the qualities of another—who seek for sermons in sonnets and morality in music. Then all accepted work will be noble and chaste in the wider masculine sense, not truncated and curtailed, but outspoken and full-grown; art will be pure by instinct and fruitful by nature; no clipped and forced growth of unhealthy heat and unnatural air; all baseness and all triviality will fall off from it, and be forgotten; and no one will then need to assert, in defence of work done for the work's sake, the simple laws of his art, which no one will then be permitted to impugn.'

Here Mr. Swinburne admits that poetry has its laws and landmarks, its guiding principles in the selection and use of materials, its higher and lower forms; and he lays it down that the higher forms—all legitimate forms, indeed—will be noble and chaste in the wider masculine sense, pure by instinct and fruitful by nature, no forced growth of unhealthy heat and unnatural air, and free from all baseness and triviality. On this ground we join issue with Mr. Swinburne, our main objection to his work being, that in several vital respects it reverses the laws and removes the landmarks of the grand poetical art, that much of it is not virile or even feminine, but epicene; and, that so far from being chaste or noble in the masculine or any other sense, it is impure and base to a degree unparalleled in English literature. Happily there is a poetical art, with laws and principles of its own, to which appeal may be made. 'Not the mere prosody of a verse,' to adopt Milton's language, 'but that sublime art which in Aristotle's poetics, in Horace, and the Italian commentaries of Castelvetro, Tasso, Mazzoni, and others, teaches what the laws are of a true epic poem, what of a dramatic, what of a lyric, what decorum is, which is the grand masterpiece to observe.' He goes on to add that those instructed in this sublime art 'would soon perceive what despicable creatures our common rhymers and playmakers be, and understand what religious, what glorious, and magnificent use might be made of poetry both in divine and human things.' It is something to have a writer like Mr. Swinburne admitting the existence of such an art, although to judge from his practice its laws are recognised only to be broken. At all events the only laws he observes with any uniformity are the external mechanical ones—those of versification. In all other and higher respects, in choice of subject, in strength and dignity of poetical conception, in elevation of feeling, and the imaginative forms through which the nobler passions are expressed, in the strict subordination of parts to the whole, and the temperance of diction and imagery essential to unity of poetical effect, he is utterly deficient. What Milton terms decorum, which is the masterpiece to observe, is habitually violated in the most flagrant manner throughout his writings. Decorum, in this sense, refers to the subject chosen, and especially to the method of treatment, and, by calling it the masterpiece, Milton means to intimate that the subject chosen being a noble action, passion, or emotion as the poem is epic, dramatic, or lyrical, the poet must rigidly observe the vital laws of proportion, the mingled pregnancy and reserve of poetical expression, which artistic unity and completeness of

construction and effect imperatively require. Now, as we shall presently see, in most of Mr. Swinburne's longer poems, there is hardly any trace of internal organisation at all. They are molluscous rather than vertebrate; and the few that seem to spring from a germ, and have their form determined by an internal principle of life, are heated fungoid growths rather than sweet herbs, strong well-proportioned trees, or graceful flowers. With all his admiration for the ancients, and especially for the Greeks, the central principle of their plastic and poetical art embodied in the word *σωφροσύνη* seems to have no place in Mr. Swinburne's mind. Judging from the result, indeed, it would almost seem as though having made an unholy compact with his evil genius, he had read this central precept of the poet's creed backwards; in other words, had assiduously studied what 'indecorum' is as the great model to observe. In his reaction against all laws human and divine, Mr. Swinburne has, in fact, revolted from the primary conditions of higher excellence in his own art. If the main characteristics of his writings were to be summed up in a single word, it would be lawlessness or license, or rather, since these terms express an energy of volition which the weak and violent temper, the febrile vehemence and impetuosity, exhibited in the poems hardly justify, incontinence would perhaps be the most appropriate word. They are incontinent in the use of strained and violent language, incontinent in hot and garish imagery, incontinent in verbal tricks, mannerisms, and conceits, incontinent in sweet but eloying melodies, ineontinent, not only in the details of licentious indulgence, but in loathsome allusions to morbid latches, incontinent in denouncing all seemly social observances, all recognised moral restrictions. Mr. Swinburne's muse is, indeed, in the fullest sense, naked and not ashamed, destitute of any natural sense of reverence or respect, indulging in voluble abuse of the decencies of life and hysterical admiration for things essentially contemptible and base.

We must, however, pass on to a more detailed examination of Mr. Swinburne's work. This will supply abundantly the evidence on which the general verdict we have pronounced rests. The first point to be considered is the choice of subject, and this, according to the unanimous judgment of the highest authorities—poets as well as critics—is the most important point of all. Mr. Swinburne, indeed, in the defence we have quoted, appears to make light of this vital consideration. He suggests that all things are good in the sight of art out of which good work may be produced. But this statement is obviously

too general to be of any use or relevancy in the discussion. Swift wrote a poem largely occupied with the lower functions of nature, and the work is very good of its kind, but the verses will never cease to be disgusting from the subject. And no one entitled to speak will maintain for a moment that all subjects, whether beautiful or ugly, pure or impure, noble or vile, loathsome or attractive, are equally suitable for art. Mr. Swinburne himself abandons this ground, and virtually maintains that the different kinds of poetry are determined as higher or lower by their choice of subject. He complains that the poetry of the day is too much restricted to one class of topics, one level of experience, and to the poetical form through which this common level of experience finds its natural and most appropriate expression.

'With English versifiers now, the idyllic form is alone the fashion. The one great and prosperous poet of the time has given out the tune, and the hoarser choir has taken it up. His highest lyrical work remains unimitated, being in the main inimitable. But the trick of tone which suits an idyl is easier to assume; and the note has been struck so often that the shrillest songsters can affect to catch it up. . . . I shall not be hounded into emulation of other men's work by the baying of unabashed beagles. There are those with whom I do not wish to share the praise of their praisers. I am content to abide a far different judgment :—

"I write as others wrote,
On Sunium's height."

I need not be over-careful to justify my ways in other men's eyes; it is enough for me that they also work after their kind, and earn the suffrage, as they labour after the law, of their own people. The idyllic form is best for domestic and pastoral poetry. It is naturally on a lower level than that of tragic or lyric verse. Its gentle and maidenly lips are somewhat narrow for the stream and somewhat cold for the fire of song. It is very fit for the sole diet of girls; not very fit for the sole sustenance of men.'

Now the main subject of domestic and pastoral poetry is love in its milder and more equable manifestations. And Mr. Swinburne intimates that such a subject is unfit for the higher level of tragic and lyrical verse. The idyllic form may be all very well for the gentle pains and pleasures, smiles and tears, of the tender passion, but Mr. Swinburne, leaving the idyl-mongers to work at their humble trade amongst their own people, betakes himself to the higher level, resolving to write as others wrote on Sunium's height, and produce sustenance for men instead of food for girls. What subjects does he choose for this purpose? As we have seen, he virtually renounces the passion of love. What other great primary affections of our

nature does he select instead of the discarded theme? Are ambition, jealousy, or revenge chosen as fitter for development through the higher poetical forms he attempts? The answer to this question derived from an examination of his poems is simple enough. It turns out that he chooses the same general subject as the idyl-mongers, and differs from them only in restricting himself to its corrupt, depraved, and illegitimate aspects. He simply deals with the animal side of the passion—with lust instead of love—with the sensual appetite instead of the strong and pure spiritual feeling. And in handling this repulsive topic he lavishes the whole wealth of his imagination on its physical aspects and influences, rather than its mental elements, its internal working, and moral results. This is in all respects a fatal choice, so far as good or noble work is concerned. No music of language, no splendour of imagination, can ever make that fair and attractive which is intrinsically vile and even horrible. And were Mr. Swinburne an archangel he would be predestined to eternal failure in such an attempt. It may indeed be a question—and it is an old question in criticism—whether the passion of love affords in itself the most suitable materials for a tragedy. But however this may be, it is beyond question that no amount of literary alchemy can ever extract the materials of a great tragedy or a great lyric out of the carnal details of mere lust. Yet these things constitute the substance of Mr. Swinburne's leading tragedies and lyrics. Take 'Chastelard' for example. The mere action of the drama is slight and trivial in the extreme. A weak nature, deluded by Mary's amorous wiles, and enamoured of her throat and lips and brows, breaks into her bedchamber on the night of her marriage with Darnley, is seized and imprisoned, subsequently liberated, but, after a second offence of a like kind, condemned and executed, Mary herself, under a perfidious show of pity, hastening his end. Of characters, again, there are, strictly speaking, none in the drama. The writer only attempts to delineate the two leading persons of the play, and this is done in the most superficial manner, chiefly by the repetition of external characteristics. The so-called tragedy, indeed, largely consists of elaborate descriptions of the bodily features and movement provocative of desire, with the animal feelings and wanton toyings they produce. Mary, 'Queen of Snakes and Scats,' illustrates the active side of lust, its ungovernable caprice and heartless cruelty; Chastelard the more passive, insensate, and permanent influence of the same feeling. There is hardly a trace of the genuine passion of love in 'Chastelard.' He is enamoured

QUEEN.

"I love you best of them.

Clasp me quite round till your lips cleave on mine.

Oh, I do love you more than all men ! yea,
Take my lips to you, close mine eyes up fast,
So you leave hold a little ; there, for pity,
Abide now, and to-morrow come to me.
Nay, lest one see red kisses in my throat—
Dear God ! what shall I give you to be gone ? "

CHASTELARD.

"Let me twice more. This beautiful bowed head,
That has such hair with kissing ripples in,
And shivering soft eyelashes and brows
With fluttered blood ! " "

What intensifies the revolting character of this scene, is, that he knows perfectly well all through that Mary is playing false, is, in fact, utterly indifferent to him except for the momentary gratification of a wanton appetite ; and that with this knowledge he seeks, and risks his life to secure, those mere personal favours which, under such circumstances, a great and noble nature would instinctively loathe and shun as the last extreme of degradation and dishonour. Again, in prison, within an hour or two of his execution, Chastelard soliloquises on his fate as follows :—

' Her face will float with heavy scents of hair
And fire of subtle amorous eyes, and lips
More hot than wine, full of sweet wicked words,
Babbled against mine own lips, and long hands
Spread out, and pale bright throat and pale bright breasts,
Fit to make all men mad. I do believe
This fire shall never quite burn out to the ash,
And leave no heat and flame upon my dust
For witness where a man's heart was burnt up.
For all Christ's work this Venus is not quelled,
But reddens at the mouth with blood of men,
Sucking between small teeth the sap o' the veins,
Dabbling with death her little tender lips—
A bitter beauty, poisonous-pearled mouth.
I am not fit to live but for love's sake,
So I were best die shortly. Ah, fair love,
Fair, fearful Venus, made of deadly foam,
I shall escape you somehow with my death—
Your splendid supple body, and mouth on fire,
And Paphian breath that bites the lips with heat.'

'Chastelard' is Mr. Swinburne's greatest performance in the way of tragedy, and so far as the higher and more essential

elements of tragic interest are concerned, it is a complete failure. The action, in everything save the catastrophe, is trivial, almost contemptible; the characters weak and uninteresting from the mere monotony of mindless indulgence and excess. There may possibly be natures effeminate enough to be passively extinguished by a morbid craving for the sensuous enjoyment of a worthless object, but they are certainly not the stuff out of which tragedies are made.

An earlier tragedy of Mr. Swinburne's entitled '*Rosamond*' is essentially of the same type, and marked by the same features, as '*Chastelard*.' The four chief characters—the Queen with a lover, and her husband with a mistress, exist in both plays, only in '*Rosamond*' the centre of dramatic interest is shifted from the Queen's lover to the King's mistress. In the one drama Darnley plays, in a weaker and more subordinate manner, the part of Eleanor in the other. The point in favour of '*Rosamond*' as a play is that of Henry's truth—his not being, like Mary, false and cruel: The victims in the respective tragedies are of course Chastelard and Rosamond, and their characters, so far as they may be said to possess any, are substantially alike. Each is overcome of love, or rather overmastered in mind and body by the unresisted assaults of lust, and they are both described in very much the same way. As Chastelard dwells with tedious iteration on Mary's bodily features and motions, so Rosamond does on those of Henry, and being a woman, on her own personal attractions as well. In the first scene of the play, talking to Constance her attendant, Rosamond says:—

'I whose curled hair was as a strong staked net
To take the hunters and the hunt, and bind
Faces and feet and hands; a golden gin
Wherein the tawny-lidded lions fell,
Broken at ankle; I that am yet, ah yet,
And shall be till the worm hath share in me,
Fairer than love or the clean truth of God,
More sweet than sober customs of kind use
That shackle pain and 'stablish temperance;
I that have roses in my name, and make
All flowers glad to set their colour by;
I that have held a land between twin lips
And turned large England to a little kiss.'

Again, in special reference to the King:—

'Would you be wiser than I was with him?
A king to kiss the maiden from your lips,
Fill you with fire as water fills the sea,
Hands in your hair and eyes against your face;—

Ay, more than this, this need not strike at heart,
 But say that love had bound you like a dog,
 Leashed your loose thoughts to his uncertain feet;
 Then would you be much better than such are
 As leave their soul upon two alien lips,
 Like a chance word of talk they use for breath?

This I know,

When first I had his arms across my head,
 And had his mouth upon my heated hair,
 And his sharp kisses mixed into my blood,
 I hung athirst between his hands and said,
Sweet, and so sweet! for both mine eyes were weak,
 Possessed with rigorous prophecy of tears
 To drench the lids past sleeping, and both lips
 Stark as twain rims of a sweet cup drunk out.'

Again, in a passage intended as a kind of justification of her way of life, all honour, dignity, and respect, all the grace, modesty, and reserve of true passion, are openly thrown aside.

'I think that whoso shall unclothe his soul
 Of all soft raiment coloured custom weaves,
 And choose before the cushion-work of looms
 Stones rough at edge to stab the tender side,
 Put honour off, and patience and respect,
 And veils and relics of remote esteem,
 To turn quite bare into large arms of love,
 God loves him better than those bitter fools
 Whom ignorance makes clean, and bloodless use
 Keeps colder than their dreams.'

And further on, as a kind of historical defence of her position and fate, we have from her lips the following:—

'Yea, I am found the woman in all tales,
 The face caught always in the story's face;
 I Helen, holding Paris by the lips,
 Smote Hector through the head. I Cressida
 So kissed men's mouths that they went sick or mad,
 Stung right at brain with me. I Guenevere
 Made my queen's eyes so precious, and my hair
 Delicate with such gold in its soft ways,
 And my mouth honied so for Launcelot,
 Out of good things he chose his golden soul
 To be the pearlwork of my treasuring hands,
 And so our love foiled God; I that was these,
 And am no sweeter now than Rosamond
 With most full heart and mirth give my lord up
 Body's due breath and soul's forefashioned peace
 To pay love with.'

These extracts are all taken from a single scene of the play,

and were not our readers wearied and cloyed with the subject, other passages of a similar kind might be quoted, one in particular, which runs to about ten lines, wholly occupied with a description of Rosamond's hair. Further on in the play, the King goes repeatedly over the same ground, but only in somewhat more fiery language. Throughout the whole delineation the dramatic element is of the slightest kind, and, as in 'Chastelard,' the only tragic feature is the well-known catastrophe. The drama has no distinctive characters, no continuous action, while much of the dialogue and soliloquy both in 'Chastelard' and 'Rosamond' might be transferred from the one play to the other, being occupied with the same details treated in the same way. These are the physical provocatives of ungoverned appetite, the sensual signs and bodily stimulants of loose desire. Out of such bastard elements it is, as we have said, impossible to construct a true tragedy. The elements of tragedy are moral and spiritual, not material. As the highest form of poetry it has, moreover, to do with what is great and noble, with what is most powerful and permanent in human nature, with elemental feelings, with catholic principles and passions; not with morbid cravings and monstrous appetites. And whatever passion is made the subject of tragic delineation must be dealt with primarily on its ideal side, in its moral aspects and working, not in its mere physical operations and results. The genuine passion of love, for example, working in noble natures and meeting with insurmountable obstacles, hopelessly crossed by circumstance or fate, may well afford the materials of a tragedy. But the tragedy lies in the mental anguish, in the terribly divided life, and the deepening internal conflict which death alone can terminate. 'Romeo and Juliet' is a love tragedy marked throughout not only with the perfect bloom and deathless beauty, but with the exquisite innate purity and rich idealism, of the passion. 'Antony and Cleopatra,' again, shows the working of the same passion under far more complex conditions, in natures stronger and more mature, but the greatness of the characters, and, above all, the brilliant fancy, infinitely varied charm, exhaustless intellectual resource, and indomitable spirit of the Queen, give undying interest and reality to the whole delineation. It is possible that in a great nature the mental results—the intense internal desolation—arising from the excesses even of criminal passion might furnish materials for a tragedy, at least if the subject were not too painful. But adequately to portray the sombre greatness of such a moral ruin would almost require a pencil dipped in the gloom and terror of earthquake and eclipse.

Even then there might be a monotony of mere suffering that would render the subject essentially unfit for dramatic purposes. But however this may be, it is certain that a monotony of mere sensual indulgence has no dramatic element, that weak natures enamoured of mere externals supply no materials of higher tragic interest. It is for ever impossible to construct a tragedy out of the mere paddling of hot palms and brutal interchange of lascivious bites and bruises.

The same principle of art applies to Mr. Swinburne's lyrics. The more celebrated of these, and especially the longer ones in 'Poems and Ballads,' are occupied with the same subjects as the tragedies, and come, in a still more sweeping manner, under the same critical condemnation. The keynote of the whole is struck in the first poem of the volume, where Lust is represented as saying, 'I am Love.' The general character of these pieces is, however, so well known, and they have been visited with such just and unanimous critical censure, that it is happily needless to illustrate this point in extended detail. It is enough to say that throughout these poems virtue is represented as contemptible, while vice is raised to the highest pinnacle of honour. Sensual enjoyment is depicted as the crown of life, the only worthy object of hope, ambition, and desire, of strenuous effort and continuous pursuit. Often, too, the enjoyment thus glorified is not only sensual but of a momentary and grossly animal kind. The whole universe is ideally impoverished to aggrandise the value of such enjoyment. All its highest symbols of grace and favour, worth and dignity, power and achievement, permanence, grandeur, and renown, are accumulated only to be rejected with triumphant scorn, for the sake of a temporary sensual indulgence. Reason, conscience, and religion, justice and temperance, purity and truth, the most sacred relationships, the very bonds of society, name and fame, life and death, time and eternity, heaven and hell, are as the dust of the balance in comparison with burning tresses, blinding eyes, curled eyelids, bruising intertwined lips, insatiate mouth, hard sweet kisses, fleece-white shoulders, flower-soft fingers, fierce lithe hands, winding arms, bright bosoms strained and bare, straight soft flanks, slender feet, quivering blood, fierce midnights, and famishing to-morrows. These subjects represent in Mr. Swinburne's pages the very carnival of criminal riot and delirious confusion. Faithful to the compact with his evil genius, he seems to have read backwards the first principles of noble and honourable living, the highest truths of enlightened experience, the profoundest maxims of the wise and good in every age, as well as the supreme

moral precepts of Holy Writ. 'What shall it profit a man,' he virtually says, 'if he gain the whole world and lose a momentary 'sensual enjoyment; or what shall a man give in exchange for 'such an enjoyment?' The answer to this question in Mr. Swinburne's poems is explicit enough. Thus in one of the earliest poems of the volume, a Christian knight who had broken his vows and renounced his faith through the allurements of a wanton, goes to Rome in a fit of penitence for absolution, but on his return having again relapsed, he says:—

'And I forgot fear and all weary things,
All ended prayers and perished thanksgivings,
Feeling her face with all her eager hair
Cleave to me, clinging as a fire that clings
'To the body and to the raiment, burning them;
As after death I know that such-like flame
Shall cleave to me for ever; yea, what care,
Albeit I burn then, having felt the same?
'Ah, love! there is no better life than this;
To have known love, how bitter a thing it is,
And afterward be cast out of God's sight!'

In the same way, Chastelard, in the immediate prospect of death, gives utterance to a like sentiment:—

'Now, if God would,
Doubtless He might take pity on my soul
To give me three clear hours, and then red hell
Snare me for ever: this were merciful:
If I were God now I should do thus much.
I must die next, and this were not so hard
For Him to let me eat sweet fruit, and die
With my lips sweet from it.'

Rosamond, in a passage already quoted, gives utterance to the same sentiment, and it reappears again and again in the '*Poems and Ballads*.' Perhaps, however, the most extreme illustration the volume affords of this deliberate bartering of Heaven for a momentary pleasure of a horrible kind is to be found in the intensely revolting piece entitled '*Les Noyades*.' The story well exemplifies Mr. Swinburne's instinct for a morally repulsive subject. It is derived from the unspeakable atrocities perpetrated during the early years of the French Revolution by the infamous Carrier when he acted as agent for the Convention in the provinces. Before this wretch sitting in mockery on the tribunal of justice—

'They brought on a day to his judgment-place
One rough with labour and red with fight,
And a lady noble by name and face,
Faultless, a maiden, wonderful, white.'

The boor had long indulged a hopeless passion for the lady who regarded him with disgust and horror. They were condemned to be stripped, bound together and thrown into the sea. On this judgment being pronounced, we have from the lips of the ruffian half a dozen verses of blasphemy, thanksgiving, and prayer, of which the following may serve as a specimen :—

- “ Lord, if I loved thee—Lord, if I served—
 If these who darkened thy fair Son's face
 I fought with, sparing not one, nor swerved
 A hand's breadth, Lord, in the perilous place—
- “ I pray thee, say to this man, O Lord,
Sit thou for him at my feet on a throne.
 I will face thy wrath, though it bite as a sword,
 And my soul shall burn for his soul, and atone.
- “ For Lord, thou knowest, O God most wise !
 How gracious on earth were his deeds toward me ;
 Shall this be a small thing in thine eyes,
 That is greater in mine than the whole great sea ? ”

He then turns to the lady, and after describing what is to happen, concludes with this verse :—

- “ But you would have felt my soul in a kiss,
 And known that once if I loved you well ;
 And I would have given my soul for this,
 To burn for ever in burning hell.”

Here we have one nominally fighting for Christianity, willing to barter his soul for momentary contact of a forced and penal kind with the person of a lady that abhors him, and exulting in the prospect. This is the kind of nameless abomination which Mr. Swinburne delights to glorify, and the glorification of which some of his admirers have, we believe, eulogised as a triumph of pure taste and refined feeling. All we have to say on the matter is that this and many other lyrics and ballads in the volume are smitten through and through with a deadly moral leprosy that would justly make any poetry, however beautiful in form, an object of loathing and disgust.

The next point to be specially considered is Mr. Swinburne's method of dealing with the subjects he selects as those best fitted for the higher purposes of his art. This has been already incidentally touched upon in noticing the tragedies, their slight texture and thin substance making it almost impossible to separate the matter from the manner. But it is necessary to dwell a little on Mr. Swinburne's mode of treatment in order to bring out more fully his radically false conception of

art, as well as to explain his complete failure in the higher walks of poetry he has attempted. There is, however, it need scarcely be said, an intimate connexion between matter and manner. The subjects chosen by Mr. Swinburne being essentially unpoetical, amorphous, indeed, do not admit of much in the way of definite outline or firm handling, of consistent development or constructive unity. With such subjects laxity of articulation, looseness of execution, are almost inevitable results. From a necessity of nature the poems must, in fact, be æsthetically as well as morally dissolute. We find accordingly that his poetical method is as impure as the subjects chosen are coarse and ideally chaotic. If such a thing were possible, his style of treatment is still more illegitimate on artistic than on ethical grounds. We have already illustrated this in relation to the tragedies. But the lyric has also laws and principles of its own, which must be observed if the work is to be good of its kind. It must have, for example, an internal unity if not of thought, or action, or scene, at least of spirit and feeling, and this vital unity must be reflected in an answering perfection of form. But Mr. Swinburne's longer and more important lyrics have no vital centre, no internal unity, and as a natural result no articulation at all. They are, as we have said, molluscous, spongy, sprawling, sucking in with tentacular convulsions whatever chance throws in their way, and expanding in mere bulk of shapeless structure by the process. The true and perfect lyric springs from an internal principle of life into the exquisite proportions and completeness of a finely organised and beautiful whole. But in most of Mr. Swinburne's longer lyrics such as 'The Triumph of Life,' 'Dolores,' and 'Félice,' the verses seem to follow each other by a kind of mechanical multiplication of similar parts, the result being a heap or aggregation rather than a growth or structure. Almost the only form they possess is that imposed externally by the metrical conditions of the verse, each stanza being thus indifferently either a whole or a part. When the aggregate is examined it is found to consist in the endless multiplication of the same features, the repetition of the same images and allusions, the recurrence of the same monotonous effects. And the elements thus repeated are precisely of the kind that soonest pall upon the taste, and become not only wearisome but offensive. These lyrics are in fact a perpetual harping on one or two strings of the coarsest fibre, a mill-horse round of violent pains and pleasures, sensual ecstasies and exhaustions, with the favourite terms of blood and foam and fire, of tooth and fang and claw, in which they are expressed. It is impossible to

open the book and read many lines without meeting with harsh and exaggerated descriptions of some of the physical 'points' over which a polluted imagination gloats, or of the carnal delights in which it revels. But the first shock of surprise at such details is soon exchanged for disgust at the coarseness of feeling and sterility of imagination shown in the endless iteration of the same forced but feeble phrases, strained metaphors, and trivial fancies. The writer has pet descriptions and pet similes for almost every feature and motion of the frame—the hair, the eyes, the eyelids, the mouth, the lips, the throat, the breast—and these are repeated over and over again, in most of the longer poems. The hair burns, is shed out like flame, or clings with serpentine curl; the eyelids are bruised and folded leaves or deep double shells; the eyes fervent, fierce, insatiable, blinding flames; the mouth and lips a cup or chalice filled with fire and wine, honey and poison; the breasts buds, blossoms, flowers, bruised and stained with the purple of a kiss. But the most numerous allusions and images, applied at times to all the features, to all parts of the body indeed, are those of fire and foam, serpents and flowers. We will give from a single lyric an illustration of these as applied to a single feature—the mouth and lips. The writer has hit on the not very happy resemblance of curling lips to snakes, and snakes naturally suggest fangs and foam and poison, and having got hold of this really poor and hateful fancy, he is of course incontinent in the use of it. The following verses will illustrate this, and they are all taken as we have said, not only from a single lyric but from its earliest stanzas:—

- 'Cold eyelids that hide like a jewel,
Hard eyes that grow soft for an hour;
The heavy white limbs, and the cruel
Red mouth like a venomous flower.'
- 'O lips full of lust and of laughter,
Curled snakes that are fed from my breast,
Bite hard, lest remembrance come after
And press with new lips where you pressed.'
- 'Could you hurt me, sweet lips, though I hurt you?
Men touch them and change in a trice
The lilies and languors of virtue
For the raptures and roses of vice.'
- 'Ah, beautiful passionate body
That never had ached with a heart!
On thy mouth though the kisses are bloody,
Though they sting till it shudder and smart.'

- 'As our kisses relax and redouble
 From the lips and the foam and the fangs,
 Shall no new sin be born for men's trouble,
 No dream of impossible pangs?'
- 'By the ravenous teeth that have smitten
 Through the kisses that blossom and bud,
 By the lips intertwined and bitten
 Till the foam has a savour of blood.'
- 'All thine the new wine of desire,
 The fruit of four lips as they clung
 Till the hair and the eyelids took fire,
 The foam of a serpentine tongue,
 The froth of the serpents of pleasure,
 More salt than the foam of the sea,
 Now felt as a flame, now at leisure
 As wine shed for me.'

These verses all occur in the first eighteen stanzas of a lyric that consists of fifty-four; and this is a fair specimen of the harsh, repulsive, and unimaginative repetitions of which the whole volume is largely made up. The same phrases, the same images, the same allusions, occur, as we have said, over and over again in the same poem—not unfrequently in the same page. We confidently ask whether anyone with the least knowledge of poetry, or the least feeling for art, will venture to say that execution of this sort is artistic, is worthy of a great poet, or in fact of any poet great or small? In the first place, were the details ever so good and appropriate in themselves, the mere multiplication and repetition of them is a fatal flaw in point of art. We have already said that the great law with regard to execution is carefully to observe the mingled pregnancy and reserve of expression, and of course of expressive details also, on which unity of effect depends. This prescribes that the details selected should be significant but few, and rendered in the simplest and most vivid manner. Multiplication of needless details tends directly to defeat the poet's main purpose, which must be to convey a distinct impression to the reader's mind either of a scene, an action, or a feeling, or possibly of all together. Now the crowding of ill-discriminated, if not incompatible details prevents the realisation of this result. On the one hand, we do not see the object the writer attempts to depict by an accumulation of descriptive bits, the exaggerated prominence and intrusive repetition of the parts being fatal to a clear perception of the whole. When we attempt to realise it in imagination the picture is a blur of confused limbs and features, instead of a distinct object. On

the other hand, the accumulation and repetition of such descriptive details is equally fatal to anything like unity of moral or emotional effect. The time taken up in going over fragmentary descriptions, not controlled by any central conception, distracts the reader's attention and dissipates his interest, even when the piece as a whole may be animated by a common sentiment, which is rarely the case. If the aim is to convey the writer's own feeling, or the feeling he wishes dramatically to express, it equally fails, for the repetition of what he regards as stimulating features and images soon becomes as wearisome as an inventory or a catalogue. This helps to explain how it is that these longer poems, though possessing striking passages and melodious lines, are still so utterly uninteresting and even unintelligible. This characteristic of his writing has, we believe, been complained of by some of Mr. Swinburne's greatest admirers, and he has himself so far recognised the truth of the complaint as to have furnished a prose key to three or four of the longer pieces. The explanation, it is true, reads very like an after-thought, and even with its help it is impossible to find the meaning assigned to them in the poems themselves. But the fact that the author has felt the necessity of explaining his most important lyrical poems is an instructive commentary on the confusion and obscurity of his conceptions, as well as on the careless and slovenly character of his work as an artist.

But, in the second place, the descriptive details in these pieces, so far from being in themselves appropriate or poetical, are of the coarsest, most inartistic, and unimaginative kind. With regard to the particulars to be employed in elaborating a work of art, the law of reserve applies, and this law is determined by the nature and end of poetry. It prescribes that the details selected and employed by the poet should be of a nature to interest and stimulate the imagination and the higher emotions, from which the art springs and to which it appeals. The more violent bodily pains and pleasures that terminate in the senses, and exhaust themselves, as it were, in the act, are thus least of all fitted for poetical or artistic use. A shriek or a swoon is so purely physical as to exclude for the moment the ideal element altogether; and the extremes of bodily suffering and bodily delight which confound themselves 'and in their triumph die,' are therefore to be used in art with the utmost reserve. But much of Mr. Swinburne's poetry is all shrieks and swoons together. It is, as we have seen, largely made up of fierce physical extremes, raptures and languors, sobs and shouts, convulsive laughter and hysterical tears. His pages are full of stinging nerves, burning veins, and thundering pulses; of

physical influences and sensuous agitations that dazzle and blind, deafen and stun, torture and stupefy. No mistake could possibly be greater in point of art. Poetry must be poetical in substance as well as in form, and the crowding of these extreme physical effects into metrical lines has about the same relation to true poetry that the puffs and screams of a railway whistle have to music, or the spurts and splotches of crimson and purple on a mutilated mendicant's scroll to painting. In such a procedure the primary conditions of effective and expressive art are altogether violated, and the result is not, properly speaking, a work of fine art at all. It has no perspective or proportion, no gradations of light and shadow, no softer tints or reserved tones of colour, no background, no relief, no repose. It is a uniform glare of blinding light and dazzling colours. The main end of art is equally defeated by such crude and untempered work. The appeal is really made not primarily to the imagination at all, but to the senses, the result being not the production of ideal pleasures or of any purely mental effect, but a physical commotion in the frame—a 'flutter of the blood'—results which the railway scream and the mendicant's daub are equally fitted and intended to produce. The three forms of art employ, indeed, the same means and produce, so far as they succeed, the same effects. The choice of such means and ends, on the part of a poet, indicates, however, not only native poverty of thought and engrained coarseness of feeling, but radically false and perverted views of art. Poetry is degraded into the mere slave and drudge of our lowest sensual appetites and desires, instead of occupying its true position as the minister and interpreter of the higher powers, activities, and capabilities of our nature. This interpretation when faithful always has an invigorating, elevating, purifying effect. Genuine passion of a noble kind is necessarily expansive and illuminating. It enlarges the intellectual vision and quickens the powers of insight, while at the same time it enrichens, deepens, and refines the current of our mental being. Great works of art, and especially great poetical delineations that awaken and stimulate such emotions, have the same effect. The poetical delineation of any great passion has indeed, as Aristotle points out, a purifying effect by rousing, through the imagination, the unselfish emotions. But of this higher influence of genuine passion and true poetry hardly a trace is to be found in Mr. Swinburne's writings. Love, for example, the great transformer, whose purifying fires purge away the dross from the mind, and kindle it by the contemplation of loftier ideals to the steadfast admiration and pursuit of the noblest ends in thought and life,

is represented, throughout Mr. Swinburne's poetry, as something that blights, poisons, and destroys. In his pages it bites and foams and stings, blinds and maddens and satiates, stifles and strangles, crushes and chars; but it never raises or refines, redeems or saves. In the same way the influence of beauty, or the perfect in nature, is uniformly confounded with blind and passionate desire. It is described as fierce, bitter, fervent, intolerable, insatiable, unassuaged, as sharp, hot, salt, brackish, hungry, wasting, destroying.

Not satisfied, however, with selecting the materials of his poetry amongst what is lowest, most perverted, and extreme in nature, Mr. Swinburne resorts to the pigments, cosmetics, and stimulants of art, in order to heighten its meretricious effect. He says, indeed, in the prose apology we have already quoted, that poetry should be no forced growth of unhealthy heat and unnatural air. But no heat could be more unhealthy, no air more unnatural, than that which pervades his own poems. We have in them, instead of the freshness and grace of natural feeling, the jaded spasms of outworn desire and artificially stimulated appetite. Instead of the breezy purity, of the open air and sky, of the wind and the meadow and the wave, we have a curtained atmosphere heavy with oppressive scents, and thick with drowsy or stimulating fumes, steaming incense, fragrant oils, bruised seeds and gums, smelling of 'all the sunburnt south:—

'Strange spice and flower, strange savour of crushed fruit,
And perfume the swart kings tread underfoot,
For pleasure when their minds wax amorous,
Charred frankincense and grated sandal-root.'

It is the atmosphere not of nature or of health, not of natural and healthful activity and enjoyment at all, but of luxurious abandonment and corrupted passion. These external appliances may no doubt help to stimulate the languid pulse, soothe the throbbing nerve, or rouse afresh the partially paralysed sense, and Mr. Swinburne seizes with instinctive avidity on all devices for heightening the momentary effect and prolonging the intensity of the sensual gratification he depicts. But such pandering is at best fit only for the waste 'pen of some vulgar amourist, or the trencher fury of a rhyming parasite.' It is no office for the children of Apollo, and the poet who stoops to it ought first of all to rend his singing-ropes asunder, and cast his garland in the dust.

The same central characteristic, the indiscriminate use of the least-refined expedients for producing a strong but essentially

temporary impression, is found even in Mr. Swinburne's style and versification. His style is full of verbal tricks, surprises, mannerisms, and conceits. Alliteration is the commonest, and perhaps to a cultivated taste the least tolerable, of these tricks, but Mr. Swinburne seems incurably addicted to it. The vice is indeed so flagrant and abounding in his work that his longer odes and lyrics may be described as thickets or jungles of alliteration, in which it is almost impossible to advance a step without being arrested and disturbed by their intrusion. But Mr. Swinburne has other mannerisms and tricks of style so numerous as almost to require a paper to themselves. A very few illustrations must however suffice. One common trick is that of employing contradictory terms and epithets, as in the following examples:—

- 'Me satiated with things insatiable.'
- 'Deathless shall be the death, the name be nameless.'
- 'Pitiless pity of days degenerate.'
- 'The fruitless fruitage of despair.'
- 'Time in its timeless tide.'
- 'Deathless though death overtake her;
Faithful though faith should forsake her.'

Another, still more common perhaps, is that of counterplacing nouns and verbs in the same line or couplet. The following examples illustrate this, and at the same time the writer's fondness for playing with, and repeating, favourite phrases:—

- 'A strong desire begot on great despair;
A great despair cast out by strong desire.'
- 'O sole desire of my delight;
O sole delight of my desire.'
- 'The delight that consumes the desire;
The desire that outruns the delight.'
- 'Labouring he dreams, and labours in the dream.'
- 'By short sweet kisses, and by sweet long loves.'
- 'The face is full of prayers and pains,
To which they bring their pains and prayers.'

Another trick is that of exchanging the objects and activities of the senses, as in the following:—

- 'The heavens that murmur, the sounds that shine.'
- 'Visible sound, light audible'

Another is the ordinary device of contrast and antithesis only run to the extreme of mere prettiness and affectation, as—

‘Those eyes the greenest of things blue,
The bluest of things gray.’

‘Exceeding pleasure out of extreme pain.’

‘For the great labour of growth, being *many*, is *one*;
One thing the *white death* and the *ruddy birth*;
The *invisible air* and the *all-beholden sun*,
And *barren water* and *many-childed earth*.’

But in the mere matter of rhymes in which, with a little care, no practised writer of verse ought to go wrong, and is inexcusable if he does, Mr. Swinburne is slovenly beyond example, at least among recent poets. The following poor tinkles, assonances, and false rhymes are all taken from a single poem in the ‘*Poems and Ballads*,’ the third, entitled ‘*Laus Veneris* :’ *deem, dream—death, eat—feet, it—thereof, clove—blows, bows—them, flame—black, back—thereof, love—sweet, it—enough, love—sea, she—mouth, doth—fruit, foot*. If the volume as a whole were taken, these examples might of course be multiplied tenfold. Even the versification, which is Mr. Swinburne’s strong point, is, from sheer carelessness, not unfrequently culpably harsh, and sometimes defective as well. These constant failures in minor points, over which Mr. Swinburne has proved his mastery, seem to show that the neglect of the higher requirements of his art injuriously affects his power of execution even in the lower and more mechanical details of verbal accuracy and metrical finish. And however this may be, they illustrate afresh the writer’s radically defective sense of what constitutes high poetic excellence, and his utter want of the ethical firmness and artistic self-control essential to its attainment.

The analysis we have given of Mr. Swinburne’s work enables us to fix with some precision his place amongst contemporary writers. He is the poet of what is known as the sensational school of literature. This school has long had its novelists and playwrights, its critics and journalists, and it now has its poet. All the points we have noticed as distinctive in Mr. Swinburne’s writings identify him with the principles and peculiarities of the school. He agrees with the sensationalist in the fundamental point which gives the school its name—in appealing not to the intellect and the moral reason, not to the imagination and the affections, but to the senses and the appetites. The sensational writer, whether novelist or poet, deals with bodily instead of mental pleasures

and pains, and hence the appropriateness of the title; sensations as distinguished from thoughts and emotions representing that class of our experiences which depend on physical rather than on moral or intellectual causes. Of these experiences the painful are the more memorable and impressive. And as the object of the sensational writer is to produce the strongest effect, he naturally tends not only towards the physical, but towards what is extreme, revolting, and even horrible in our physical experience. Hence the accumulation of violent outrages and unnatural crimes that crowd the pages of the more characteristic novels of this class, and hence, too, the marked prominence which sensual pains as well as pleasures have in Mr. Swinburne's poetry. In this feature of their work Mr. Swinburne and his friends are, however, opposed to the higher conceptions as well as to all the best schools of art. Hellenic art, for example, reflecting the genius of a highly cultivated people, shrunk, in the main, with instinctive aversion from the detailed exhibition of mere bodily suffering. The Greek artist felt intuitively that mere physical anguish is in itself revolting and ignoble, and that it can therefore be only sparingly employed in art as a condition for the development of higher qualities. Bodily pain accordingly holds a very subordinate place in the best Greek art, whether plastic or poetical, and is exhibited not so much in itself as in its moral results on those who suffer, and on those who behold the spectacle of suffering. It brings out, on the one hand, the virtues of fortitude and self-sacrifice—of heroic endurance and absorbing devotion to some noble object of friendship, piety, or patriotism; and on the other, the humanising and elevating qualities of admiration, sympathy, and love. Hence the dictum of the great critic, that tragedy, which is the concentrated and ideal delineation of human suffering, purifies the soul by touching its deeper springs of love and sympathy, of pity and terror. Even in the *Laocoön*, which, as Lessing points out, is perhaps the extremest representation of physical suffering to be found in Greek plastic art, the victim's greatness of soul visibly triumphs over the supreme anguish of the hour. Modern art, in all its greatest periods, has not only faithfully observed the same vital law, but carried it still further. It is indeed mainly distinguished from Greek art by its more varied and absolute use of bodily suffering as an instrument for the development of moral and spiritual qualities. It is true that in all periods of art, both ancient and modern, there have been some who, in violation of its higher requirements, have given an extreme and exaggerated prominence to the physical details of human suffering. But it was

reserved for the modern sensational school to reverse the great and pervading law which holds alike in nature and in art—to make, that is, bodily suffering an end to itself, instead of employing it as a means for the attainment of higher and nobler ends. The writers of this school appear to delight in extreme physical experiences—ecstasies and horrors—for their own sake, or rather for the sake of the morbid appetite they create and help for the moment to gratify. One of the worst but most inevitable results of this sensational literature is, indeed, to be found in the diseased appetite for artificial mental stimulants it produces, and which takes away the relish for wholesome and nourishing literary food. All coarse and violent stimulants deaden the finer sensibilities on which they act, and thus not only destroy the natural capacity for enjoyment of a more refined and satisfying kind, but produce a restless and intensely selfish craving for the coarser stimulant. Hence the rage for sensational novels and sensational literature, and hence too, we fear, the appearance of a sensational poet.

In all the main features of his poetry Mr. Swinburne is faithful to the school. As a natural result of his poetical temperament, he may be said, indeed, to represent its special characteristics in a more intense and concentrated form than even the most eminent of its prose writers. In many of his more audacious pieces, indeed, Mr. Swinburne fairly out-Herods Herod. Much of his poetry is sensationalism run mad, foaming at the mouth, snapping rabidly at everything in its way, especially at the sanctities and sanities of life, avoiding all natural food, and seizing with morbid avidity on what is loathsome and repulsive, mere orts and offal. But there is still a method in the madness, with all its apparent blindness and fury. Sensationalism, at least in its extremest developments, rests on a speculative basis. It has a philosophy of its own. It springs from the assumption that the senses and their impulses are our highest sources of light and guidance, that reason and conscience are of no authority, that the moral and rational principles they supply—the highest regulative elements of our nature—may not only be disregarded with impunity, but are to be denounced as delusions, and rejected as mere hindrances to the life of nature. On such a theory reason is, of course, subordinated to sense, will to desire, while appetite and impulse are enthroned as lords of all.

In this point of view, as an exposition of what may be called the theory or creed of the extreme sensationalist school, Mr. Swinburne's last volume, '*Songs before Sunrise*,' is of special interest. Here the writer evidently attempts to meet the

objection urged against his poetry even by his best friends, that it embodies no great vital conceptions, has no animating and fructifying spirit, no inspiring impulse of faith, or hope, or effort, that in its moral aspects it is utterly dark, cold, and repulsive, with a background of cheerless impenetrable gloom; in a word, that it recognises no moral element in life or action, no real or ultimate ground for any belief in duty, liberty, or virtue. It will be clear from what we have already said that this complaint is perfectly just, but that it should be made at all, only shows how imperfectly Mr. Swinburne's admirers comprehend the real drift of his poetry, and the kind of philosophy it embodies. Mr. Swinburne's latest volume is, however, in part a kind of reply to this complaint; and it offers an exposition of what may be called the speculative groundwork, or creed of his poetry. This creed, when carefully examined, is found to consist of two points or articles, the first being the ultimate authority of appetite and impulse, and the second the deification of humanity. But these two points may obviously be resolved into one,—the deification of appetite and impulse. The practical recognition of this doctrine is called by Mr. Swinburne liberty, freedom, and he expresses his admiration of it, after his fashion, in a dazzling coruscation of verbal and metrical effects. After all, the conception thus glorified is a negative not a positive one, and ought to be called license, lawlessness, not liberty. Such as it is, however, he lauds and magnifies it in shrill-toned hymns and hallelujahs of the most surprising kind. The poetical utterance of his creed contained in the volume may indeed be described, as Mr. Disraeli once described a speech delivered by Mr. Bernal Osborne when newly emancipated from the trammels of office, as 'a wild shriek of freedom.' In the same way Mr. Swinburne, having cut himself adrift from all moorings, driven off the pilots with strong language, and thrown the helm and compass and chart overboard, pipes his shrillest to the storm gathering on the horizon, and abandons himself with intoxicated delight to the fury of the coming tempest. At last he is free, clear of all established havens and moorings, emancipated from the degrading thralldom of rudder and chart, lodestar and needle, his frail barque left to welter as a waif, in obedience to the natural laws of wave and storm, on the seething hissing bosom of the angry sea. That exactly represents Mr. Swinburne's idea of freedom and independence. Rejecting all the means which intelligence and foresight provide for controlling the elements or escaping their fury, he blindly abandons himself to their power, or as in such circumstances we justly say, 'to

'his fate.' That is precisely the case. Extremes meet, and Mr. Swinburne's so-called freedom is absolute fate.

His conception of freedom is, as we have said, wholly negative, and as such it is necessarily delusive and false. True liberty has its root in law, in the higher principles of our nature, is indeed the moral reflex of the responsibility thence arising. If we had no higher light, no authoritative moral perceptions superior to sense, we should have no claim to freedom, and could make no use of it. The right to the enjoyment of liberty is founded on the duty of every man to improve his powers to the utmost, to attain the highest possible degree of moral and spiritual perfection. The true conception of freedom is thus that of means to an end, the end being progress in virtue and knowledge, truth and goodness. Mr. Swinburne, however, cuts away the living root, and utterly destroys the rational basis of freedom. With him it simply means the abolition of all existing restraints, in the last resort the overthrow of all law and order, of all existing moral rules and established government. It is thus a purely anarchical and destructive principle, which would soon make wild work of human life and human society. Enlightened reason and conscience are the highest human sources of guidance for the individual. The principles we reach under the guidance of these powers are often, it is true, narrow and mistaken. But the gradual correction of these defects constitutes, with good and wise men, the very discipline of life. They strive to enlarge and purify their knowledge, and make their principles of judgment and action more enlightened, liberal, and true. But because they do not at once illuminate everything, Mr. Swinburne would extinguish these supreme guiding lights in the pathway of life. The impulses of appetite and desire, if blind are at least definite, and with the heat and impatience of a weak and passionate nature, he virtually says, 'Let us follow these impulses as supreme.' Again, positive institutions, political and religious, are the reflex in society of reason and conscience in the individual. These institutions partake no doubt of human imperfection, and are often grievously defective. But the great aim of enlightened patriotism and true statesmanship is to improve them, and make them more and more fitted to secure their great end, the welfare of society. But Mr. Swinburne and his friends seek to destroy them altogether, and substitute in their place the aggregate of ungoverned impulse and passion known as the Red Republic. Not the nobly organised Commonwealth, the vision of which kindled Milton's disciplined imagination, and roused all the

austere enthusiasm of his nature, but a mere fortuitous concurrence of impulsive and fiery atoms. This, if established on Mr. Swinburne's principles, would simply be anarchy organised, made operative, and systematically employed for destructive purposes. In fact the condition of France, and especially of Paris, during the last three months and at the present time, is the best possible commentary on the political principles more obscurely enunciated in 'Songs before Sunrise.'

The spirit of the book is in harmony with its weak, passionate, and negative philosophy. Many of the poems are narrow, violent, and bitter beyond anything that has proceeded from Mr. Swinburne's pen. In this respect much of the volume appears to us justly exposed to unqualified reprobation: not on the mere ground of opinion, for honest opinions can be legitimately held, and be opposed and defended in the proper way. If Mr. Swinburne, as the result of his speculative efforts, has arrived at pantheistic views, he is of course at perfect liberty to hold them. If he chooses to deny the reality of moral distinctions, he can in like manner do this, so long as he confines himself to the speculative side of the question—to the calm and philosophical statement of his theoretical opinions. But that he should indulge in coarse and bigoted denunciations of the central religious doctrines held by the great majority of his fellow-countrymen is, to say the least of it, an unpardonable offence against good taste and good feeling. And that he should revile in blasphemous language the object of their worship is an offence of a far deeper dye. This, however, he repeatedly does in his last volume. In the opening poem, 'The Prelude,' one of the best in the volume, he adopts, it is true, a comparatively calm and philosophical tone; and though the philosophy of the poem would suggest suicide as the only consistent course to be pursued by rational beings, our complaint would have been comparatively groundless if its higher philosophical tone had been kept up in the poems that follow. But this is far enough from being the case; the calmer tone is soon abandoned for that of harsh and violent denunciation. The truth is, Mr. Swinburne is not a philosopher at all; he is not even a thinker; he merely sets other people's thoughts—the floating conceptions that he finds most genial—to his own peculiar music, and in doing so the shriller and harsher tones of his lyre are sure to be heard. We have no space for quotations, and if we had, the most pertinent illustrations could not be quoted. But nowhere in his writings has Mr. Swinburne shown an animus so envenomed, a spirit so weak and essentially sectarian, or used language so intemperate and profane, as in this volume. Such poems, for example, as 'Before a Crucifix' and 'The

'Hymn of Man,' are thoroughly fanatical in their wild, blasphemous, and intolerant atheism.

Mr. Swinburne has, it is true, attempted to justify this feature of his writings by referring to Shelley. We are willing to believe, however, that this reference was made not deliberately, but in a moment of excitement. Notwithstanding all we have said of Mr. Swinburne, we feel persuaded he would not venture to challenge a comparison with Shelley, even in this particular. However this may be, the phrases Mr. Swinburne quotes from Shelley all occur in his earliest poem, written when he was still almost a boy—a poem never published by himself, and the publication of which by others called forth his express and indignant censure. In his later writings no such expressions occur, while his latest show a very considerable change of tone on the whole subject. Mr. Swinburne has been before the world as an author for a much longer time than the whole period of Shelley's public life, yet his last productions are in spirit and temper the worst. For the rest, any attempt at a serious comparison of Swinburne to Shelley would oblige one to exclaim, not as a figure of speech but in sober truth, 'Hyperion to a Satyr.' Shelley had wild and perverted views; but his mind was pure, and his poetry, the reflex of his mind, has upon it the very bloom of purity. Had he taken up even Mr. Swinburne's unsavoury subjects, their grossness would have been almost purged away by the exquisite grace and delicacy of his touch. On the other hand, Mr. Swinburne's method of treatment would almost inevitably defile even the most sacred relationships and experiences of life. It is comparatively easy to imitate Shelley's imperfections without sharing the higher qualities of his mind, or approaching the peerless perfection of his noblest work. A writer of verse may produce imperfect lines, indulge in repetitions and plagiarised passages, and even in intemperate denunciations of existing institutions, without having much in common with Shelley. We are glad, indeed, to think that Mr. Swinburne has not derived his inspiration from Shelley, or from any English author or English school of poetry. He is rather an Alfred de Musset without his finesse and grace. What is most distinctive in Mr. Swinburne's work is derived from the corrupted school of French art and French poetry, which, with other influences traceable to a common root, has contributed to the temporary ruin of the finest country and most gifted people in Europe. The principles of the school which Mr. Swinburne represents would, indeed, if successful, not only overturn all existing order, but in the end prove fatal to art, literature, and civilisation itself.

ART. IV.—*Burton's History of Scotland*. Vols. V., VI., VII. Edinburgh: 1870.

THE former volumes of Mr. Burton's history closed with the imprisonment of Queen Mary in Lochleven Castle. The explosion of Kirk-o'-Field had blown into air all those far-reaching schemes for the elevation of Mary to the throne of Elizabeth, and the restoration throughout the island of the old faith, which had dictated the policy of the Catholics, and had taken firm hold of many who, though nominally Protestants, were above all things enthusiastic Scotchmen. The name of the Scottish Queen was no longer a name to charm with: a murderess and adulteress could not be the champion of a great religious reaction. 'The spirits of the Catholics are broken,' writes De Silva, quoted by Mr. Froude. 'Should it turn out that she is guilty, her party in England is gone; and by her means there is no more chance of a restoration of religion.' True, these schemes revived at a later time; but henceforward they were vain dreams. They lured to destruction the subtle Lethington; they won the chivalrous Grange from his loyalty; but they never came within the sphere of human probabilities. Varied as were the phases of the long game which succeeded, we can now see plainly that, after the crime of Kirk-o'-Field, Mary never had a chance of winning the great stake which from the first she had set herself to play for.

The after-fortunes of Mary in her native country Mr. Burton relates with brief distinctness. The romantic events of the escape from Lochleven—the muster at Hamilton—the overthrow of Langside, find in him no very congenial chronicler. But he dwells with characteristic minuteness on every aspect of the imprisonment; he specifies the nature of the stone with which Lochleven Castle was built; he describes the advantages of its situation as regards supplies of mutton, fish, and game; he altogether disbelieves that the limited accommodation of the castle could have allowed of the birth, concealment, and removal of a daughter—the result of the alliance with Bothwell. He thinks there is no evidence that Mary was treated with harshness. But the completeness of her seclusion points to a very close watchfulness; while the fact that two daughters of the lady of the castle were her bedfellows—which Mr. Burton somewhat mysteriously explains as required by 'the hard rules of political necessity'—shows that her life must have been exceedingly uncomfortable. But we

are without any real knowledge on these matters, and must rest content with what the insight of genius has revealed to us in the pages of the 'Abbot.'

After the impetuosity of her adherents had rushed upon defeat at Langside, nothing remained for Mary but flight. France or England was an obvious alternative: Mr. Burton starts an interesting speculation as to the results of her having sought a refuge in Spain:—

'Could she have fled to Spain, a scene of another kind might have opened. There she would have found a monarch who, if it be possible, was more earnest than herself in reverence for the doctrine, that the one object, both for the sake of this world and the next, to which a Christian sovereign should be devoted, was the restoration of the old Church to its power and splendour. The possibilities that such a conjuncture might have opened are so interesting that they can hardly be passed in silence. Might not an impulse have been given to his sluggish nature, so that the great blow he was to strike in England might have been earlier and more aptly timed? There was no room, it is true, for the revival of the old matrimonial project between Mary and Don Carlos, which Catherine of Medici had wrought so hard to defeat. The poor mad youth was at the crisis of his tragic fate. It was about six weeks after her escape that, if we are to accept what we are now told, his throat was cut in the Escorial, not by assassins, but by the ministers of Spanish justice. But presently there was to be another opening. Within six months after this crisis in Mary's fate, her sister-in-law, Isabella of France, the Queen of Spain, died. She also became the tragic heroine of a romance of love and crime; but history gradually dropped the dark suspicions on her name, and left them to the world of fiction. Though the daughter of the terrible Catherine, she left the reputation of a faithful wife and a gentle queen. Among those who cherished the memory of her virtues, they were enhanced by the fervency with which on her death-bed she expressed her thankfulness in being the partner of one whom no deceptions frailties of mercy or remorse had ever checked in the sacred task of extirpating heresy. To such views Mary was one who would have given support quite as sincere and far more active. Indeed, just before the Queen of Spain's death, the two had been holding some genial correspondence, in which the restoration of the Church was put foremost of human duties. At that time Philip was not yet forty-two years old, and though he had been three times married, the son destined to succeed him had not yet been born. If it be said that these speculations on the possible consequences of events which never came to pass are away from the purpose of history, it may be pleaded that they deserve a passing notice, since they were contingencies which both the thinking and the acting men of the time must have studied. There was nothing in the possible future of Mary's relations with France and Spain that did not then affect the present in Scotland and in England too.' (Vol. v. pp. 120, 121.)

Mary Stuart fled to England in May 1568. From that

time till the fall of Edinburgh Castle in May 1573, her fortunes were closely united with those of her native country. At any period during these five years the future of Scotland might have taken almost any shape, according as Elizabeth had dealt with her royal captive. Hardly less did the peace and security of England seem, at the time, to depend on the same decision. No wonder, therefore, that the decision was anxiously watched for then, and has been eagerly canvassed since. An enthusiastic school of recent English writers maintains that Elizabeth, in her dealings with Mary, acted not only with wisdom, but with justice. We are old-fashioned enough to demur on both points. The tragic end is defensible on many grounds, but its defensibility seems to us the exact measure of the guilt of the earlier policy. The necessity for the execution is the deepest condemnation of the long captivity. But, irrespective of this consideration, it is vain to dispute that Mary's detention in England was in violation of all public or municipal law. Mr. Hallam says, in his calm, impartial style, which in this controversy gives the reader such a sense of relief, that 'policy was supposed, as frequently happens, to indicate a measure absolutely repugnant to justice, that of detaining her in perpetual custody. Whether this policy had no other fault than its want of justice may reasonably be called in question.' We cannot however concur with Mr. Hallam in his further remark, that 'to have restored her by force of arms, or by a mediation which would certainly have been effectual, to the throne which she had compulsorily abdicated, was the most generous, and would perhaps have turned out the most judicious proceeding.' This course, doubtless the most generous, might have proved the most judicious, but for the incurable duplicity of Mary and her supporters. Had they been only moderately honest, or had they succeeded in concealing their dishonesty! Their promises indeed were fair, but there was no thought of keeping them. Had Mary been restored, the old game would have been played over again—the revival of Popery, the assaults on Elizabeth's throne. That this would have been so was proved to the Ministers of Elizabeth under the hands of the plotters themselves. Therefore she could say with truth that 'to set this person at liberty and restore her to her throne would be an act of dangerous folly which no indifferent person should in conscience require.' The wisest course, as it seems to us, would have been the impartial neutrality of sending her to France. There the hatred of the Queen-mother would have kept her powerless and harmless. Had Elizabeth committed Mary to the keeping

of Catherine de Medicis, and recognised James as her successor on the throne of England, her reign would have been undisturbed by many a danger, and her memory would be without its deepest stain. The course she took was at once the least honourable and the most perilous. Mary, in England, was the centre of all mischief. The long injury of her imprisonment made the world forget her crimes: the old schemes were renewed; to enthusiastic natures any plot became holy which had for its object the triumph of the true faith and the restoration of freedom to the captive. Elizabeth owed her safety solely to the jealousies between France and Spain. Not only were these powers unable to co-operate even for the humiliation of England, neither could resist the temptation of thwarting any promising plan devised by the other.

While the weakness and prejudices of Elizabeth were thus injurious to herself, they brought bitter disaster upon Scotland. The Queen's party revived: Murray, the one man able to control Scotland, was assassinated; the Catholic nobles, believing in the restoration of Mary, took heart; the leading Protestants, dazzled by the same mirage, deserted the good cause. But what changed Maitland of Lethington, and, through him, Grange, into the most zealous of queensmen, has never, perhaps, been satisfactorily explained. Mr. Froude's theory is that Maitland was deluded by the vain hope of winning for Mary the English crown. Mr. Burton has no particular theory about the matter; and, in default of one, falls back upon an illustration. 'Lethington took his inspiration from the lamp. Among the common politicians of the day he was like an alchemist acquainted with formidable chemical combinations unknown to others, and not so well at his own command but that the result was often explosive and disastrous.' Besides being led away by his own over-subtle fancies, Maitland mistook the position and misread the character of Elizabeth. Her weakness and fickleness, and the duplicity which is the consequence of weakness and fickleness, were past even his finding out. Maitland, Argyle, and Grange were all the victims of her hesitation, or the dupes of her cunning.

The King's party, and with it the cause of the Reformation, was for a time in evil case. Morton upheld it alone. He was the strength of the party, and the true ruler of Scotland, while power was nominally intrusted to the feeble hands of Lennox and Mar. History has done but scant justice to this man. Mr. Froude somewhere calls him 'an unprincipled scoundrel;' and even the cooler judgment of Mr. Burton

seems warped against him. We cannot concur in this severity of condemnation. Unprincipled, in private life, Morton was. Unhappy in his marriage, he was a libertine in his amours. But profligacy was a small matter in days of universal profligacy; *that* Morton had in common with many who were without his excuse. Unprincipled in public life he was not. True, his principles were purely political; for the religious interests at stake he cared as little perhaps as Lethington himself. But such as they were he stuck to them; he chose them early, he adhered to them always, he carried them to final triumph, and he was put to death because of them. The nature of the man was hard and stern; he was feared and obeyed, but never loved, even by those of his own party. In the crisis of his fate, when done to death by the wretched courtiers of James, the Presbyterians whom he had saved would not move on his behalf. But now at least we may estimate fairly the merits of a statesman, undisturbed by doubts as to the piety of his motives and the purity of his life. His courage, vigour, and tenacity of purpose compel our respect; his fidelity to his party and his services to freedom demand our gratitude. Abandoned by his old allies, Morton found support in an unlooked-for quarter. For the second time in Scotland's story the middle class arose and saved their country. As we pointed out in our notice of Mr. Burton's former volumes, it was this class which brought the War of Independence to a successful issue. During the kingly period they disappear from the stage: they were exhausted with misery, and the wretched turmoils which then desolated the land were nothing to them. But now they were roused by stimulants of terrible potency. The pure religion which they had learned to cherish was to be torn from them; a Popish adulteress was again to reign; the Spaniards, led by the dreaded Alva, were about to land on their shores; and in such straits their natural leaders were deserting them. But the more desperate the danger the higher swelled the national spirit. And the preaching of Knox, old though he was, and broken, and unable to reach the pulpit without aid, could yet stir the heart of Scotland 'like ten thousand trumpets.' Blamed for his attacks on Mary, he thus vindicates his speech: 'That I have called her ane obstinate adolatrice, ane that consented to the murther of her awn husband, and ane that has committed whoredom and villanous adultery, I gladly grant and never minds to deny; but railing and sedition they are never able to prove in me, till they first compel Isaiah, Jeremiah, Ezekiel, St. Paul, and others, to recant, of whom I have learned plainly and boldly to call

'wickedness by its own terms—a fig a fig, and a spade a 'spade.' The nation was roused by his denunciations; it was he who at this supreme crisis turned to foolishness the wisdom of Lethington and the chivalry of Grange, and called to life the Commons of Scotland; and the Commons of Scotland saved the liberties and religion of their own country, and in so doing saved also the liberties and religion of England.

This rise of the Commons is the one attractive feature in that cruel time. Scotland became the theatre of a desolating civil war. She had known many miseries of strife and rebellion; but never anything like this. No quarter was given on either side. No sex or age was spared—women and children were tossed living into their burning houses. But the issue, failing the arrival of Alva, was never doubtful. Knox foresaw surely 'of the castle of Edinburgh, that it should rise like a 'sandglass, and spew out the captain with shame.'

Two events hurried on the end—the massacre of St. Bartholomew and the conspiracy of Ridolfi. The great crime of the court of Paris produced more immediate and more important effects in Scotland than in any other country. The tendency then gaining ground among the Commons towards the sternest forms of Presbyterianism was quickened by sympathy with the Huguenots, from whom that Presbyterianism had been derived. The nation was transported with a rage and horror before which even the Catholic nobles quailed. Then came the detection of Ridolfi, revealing to Elizabeth something of her danger, laying bare before Cecil the Catholic plottings and the complicity of Lethington. The title of James was recognised. The Pacification of Perth followed; and there remained only the defenders of the castle of Edinburgh—fighting with the desperate fidelity of renegades. Even at the last Elizabeth hesitated; but Morton—unlike Lennox and Mar—would not be trifled with. Accordingly, English cannon were sent round to Leith; the castle fell; and there was peace in the land.

This period of civil war possesses, as we have said, a peculiar interest and importance, because then the Scottish middle class made itself felt as a power in the country, and won a position which it never afterwards lost. It possesses, too, an interest of a different kind in that, before the issue was determined, the man who had called that middle-class into political existence closed, not unworthily, his eventful career. The last days of Knox present a noble picture of faithfulness and courage enduring to the end. Worn with age; beset with

dangers; his life threatened by Grange himself, the trusted friend of old days; counselled to silence by timid allies; deserted even by his ecclesiastical brethren; he would not be slack in the cause of his country and his God. Driven from Edinburgh, his voice woke the land from distant St. Andrew's; but his work was done, and he returned to Edinburgh to die. His last act on earth was one of mercy. He sent David Lindsay, a minister, to the castle, beseeching the defenders to give rest to the country, and to save themselves from inevitable destruction. Grange was moved by such a message from one whom he had loved and honoured; it drew but a scurril jest from the harder Lethington. 'Well,' said the dying man, when the failure of his errand was reported to him, 'I have 'been earnest with my God anent they twa men. For the 'one, I am sorry that sa should befall him; yet God assures 'me there is mercy for his soul. For the other, I have na 'warrant that ever he shall be well.'

For all this, as indeed for the whole life of Knox, Mr. Burton, we regret to state, has no fitter words than 'egotism,' and 'rancour,' and 'arrogance.' Throughout his history he is curiously unjust to the great Reformer. To some extent this is intelligible. Himself utterly without enthusiasm, Mr. Burton cannot discern the merits, still less make allowance for the failings, of noble and enthusiastic natures. But it is less easy to understand why Mr. Burton should have taken so little pains to show in their true light the undoubted services rendered by Knox to his country—to education, for example; to civil, if not to religious, liberty. He writes of him throughout with a grudge and reserve of praise which seems to spring from a genuine inability to estimate fairly the position and character of the man. The reality of Knox's character has, we think, been obscured hardly less by the zeal of friends than by the malignity of enemies. To us his temperament seems to have been the very reverse of that of a fanatic. It was genial, liberal, kindly. True, he was enthusiastic—zealous even to slaying. He was intolerant too, of Popery and tyranny; and fortunately for him and for us, Popery and tyranny were then combined, at least in Scotland, with foolishness and crime. But enthusiasm is not fanaticism: intolerance does not always spring from mere bigotry. The cause of Protestantism and freedom against Mary, Philip, Alva, and the Pope, was a cause which men had to fight hard for; and which, failing success, they would have had to die for. In such a struggle 'enlightened principles' of any kind are not likely to find place. Intolerance is the inevitable vice of such a tune; and Knox's intolerance took its vehemence from a

fery temperament, heated by his keen perception of the dangers to which truth and freedom were then exposed. Two great political evils throw their shadow over all Scottish history—fierceness of faction and want of public spirit. Knox was fierce enough, and, in a sense, factious; but he was animated by an unselfish zeal for the public good, shared in by few Scotchmen of his own or any other time. Our readers, we are sure, will forgive us if we recall to their recollection Mr. Froude's estimate of the greatest of Scotchmen:—

'The time has come when English history may do justice to one but for whom the Reformation would have been overthrown among ourselves; for the spirit which Knox created saved Scotland; and if Scotland had been Catholic again, neither the wisdom of Elizabeth's ministers, nor the teaching of her bishops, nor her own chicaneries, would have preserved England from revolution. His was the voice which taught the peasant of the Lothians that he was a free man, the equal in the sight of God with the proudest peer or prelate that had trampled on his forefathers. He was the one antagonist whom Mary Stuart could not soften nor Maitland deceive; he it was that raised the poor Commons of his country into a stern and rugged people, who might be hard, narrow, superstitious, and fanatical; but who, nevertheless, were men whom neither king, noble, nor priest could force again to submit to tyranny. And his reward has been the ingratitude of those who should most have done honour to his memory. . . . Even his very bones have been flung out of their resting-place, or none can tell where they are laid; and yet but for him Mary Stuart would have bent Scotland to her purpose, and Scotland would have been the lever with which France and Spain would have worked on England. But for Knox and Burghley—those two, but not one without the other—Elizabeth would have been flung from off her throne, or have gone back into the Egypt to which she was too often casting wistful eyes.' *

With the overthrow of the Queen's party ends the interest of Scotch secular history until the union of the crowns. There remains much intrigue and turmoil—raids of Ruthven, Gowrie plots, and frequent outbreaks of feudal savagery; but little to amuse and nothing to instruct. The character of James arrests attention for a moment—in delineating which Mr. Burton has laboured, with evident pains and remarkable success. He displayed from the first all those unkingly qualities which afterwards excited the indignation and contempt of England. We remark the same timidity, the same feeble obstinacy, the same shallow deceit which he thought kingcraft, the same love of favourites, the same strange susceptibility to the attractions of male beauty. Aubigné, Arran, and Gray were the forerunners

* History, vol. x. pp. 456, 457.

of Carr and Villiers. Mr. Burton accounts for this last peculiarity by the following ingenious theory :—

‘The king, just growing into manhood, was acquiring that offensive ugliness which even court painters could not help revealing if they produced what could be recognised as a portrait. The ugliness was offensive, because it had none of those qualities which give an interest, and sometimes even a dignity, to ugly faces—as intellect, firmness, or even sternness. But he delighted in having handsome men about him, and good looks were a sure passport to his favour. This weakness seems to have come of the same peculiarity of nature, unaccountable on any reasoning from cause and effect, which makes unseemly people take delight in the fine clothing and brilliant jewellery which only draw attention to their defects.’ (Vol. v. p. 497.)

We have no inclination to dwell on those dreary times, and gladly turn to a more inviting theme—the progress of the Scottish Reformation, and the development of Scottish Presbyterianism. It is in this branch of his subject that Mr. Burton has achieved his greatest success. Here his impartiality, amounting almost to indifference, stands him in good stead. For when we come to deal with the struggles, in the seventeenth century, between Presbyterianism and Episcopacy, we tread on embers beneath which the fires are yet living. The passions of men are always excited by religious controversy; and few controversies have raged more furiously or for a victory more trivial than the rival claims of Episcopalians and Presbyterians to be recognised as the true Church of the Scottish Reformation. The respective disputants have, of course, looked at one side of the shield only. Mr. Burton's even-handed justice will be distasteful to both, in exact proportion as it will be prized by the lover of historical truth. It is not too much to say that the best ecclesiastical history of Scotland yet written is to be found in Mr. Burton's pages.

Mr. Froude's favourite source of historical knowledge, the Statute-book, does not greatly aid us towards a true understanding of this matter. Popery was overthrown in 1560, and it was thought wise to confirm this great work in 1567. After the latter date a ritual seems to have prevailed, carefully cleared of any leanings towards Popish doctrine, certain musical observances, and other things which subsequently came to be regarded as abominations, such as the sponsors in the Anglican rite of baptism. These Reformation Acts, if we may so call them, made no special attack on the episcopal hierarchy. On the contrary, the Estates expressly refused their approval to the Huguenot system, in the shape of the First Book of Discipline; and, in a statute passed for the

suppression of Popery in 1572, it is declared that the Kirk is to act through 'lawful archbishops, bishops, superintendents, and 'ministers and readers.' But in 1580 a different spirit appears. In the Assembly of that year 'the office of ane bishop' is declared to have 'no sure warrant, authority, or good ground out 'of the Scripture of God, but to be brought in by folly and 'corruption;' and is therefore abolished. In 1592 we find the Estates establishing the Presbyterian polity in language unequivocal and distinct; in 1597 we find them recognising 'bishops, abbots, and other prelates;' in 1606 they formally restore the order of bishops 'to their ancient and accustomed 'honours, dignities, prerogatives, privileges, livings, lands, &c.;' in 1640 they overthrew the whole Episcopal hierarchy, and declared the Covenant the law of the land. All this is not a little perplexing; but if, turning from the dry bones of statutes, we study the changeful life of Scotland during that epoch, we shall find the history of her Church become intelligible. The high-born Reformers of the early period cared little for the spiritual aspects of the movement which they led. What they really valued, what made the new faith truly precious in their sight, was their possession of the Church lands. 'If they can 'have the kirk lands,' wrote Knox of them, 'to be annexed to 'their houses, they appear to take no more care of the instruction of the ignorant, and of the feeding of the flock of Jesus 'Christ, than ever did the Papists whom we have condemned, 'and yet are worse ourselves in that behalf.' Certainly they had no special aversion to prelates or prayer-books. Knox himself was no hater of Episcopacy. On the contrary, he dealt with the proper ordering of the office of a bishop as a matter of importance in the economy of the Church. Had the nobles been steadfast to Protestantism, and gone along with his scheme of education, the bishops would have moved him little. At the very first, in 1559-60, had the Queen Regent shown good faith, and not attempted to put down the new religion with French money and French troops, the Reformation, guided by moderate men, might have assumed a different character. Mary bettered her instruction. The result was twofold: Scotland was thrown, politically, into the arms of England; a more fiery zeal was breathed into the new Dissent. Knox was driven to extremes by the defection or indifference of the Protestant leaders, by their active opposition to his scheme of education, and by the reaction in favour of Mary and Popery. Thus the defence of freedom and religion fell into the hands of the commonalty; and from five years of civil war there emerged a stern creed and a democratic Church. The horrors

of St. Bartholomew, the terror of the Armada, worked in the same direction; as did also the preference for Episcopacy early evinced by James. From all which causes it came about that, at the union of the crowns, the current of national feeling set steadily towards democratic Presbyterianism, with, it may be, a reactionary eddy here and there at the side, but without effect on the main flow of the stream. We have passed from the comparative liberality of Knox to the harder and narrower, if more logical, doctrine of Melville.

When James succeeded to his great inheritance, an English courtier, with the natural curiosity of one receiving a new master, desired to learn the king's disposition from a Scottish peer. 'Saw ye ever,' was the reply of the noble humourist, 'saw ye ever a jack ape? Because if I hold him in my hands, I can make him bite you; if you hold him in yours, you can make him bite me.' James was no sooner in English hands than he began to bite Scotland, and especially the Scottish Church. He hated, with a manifold hatred, both the Presbyterian system and the Presbyterian clergy. The episcopal polity adapted itself more readily to the political theories of Filmer; the blasphemous adulation of English prelates was more grateful to royal ears than the rude rebukes of Melville. The Hampton Court Conference, unimportant in its issues, revealed the temper and purposes of the king. Certain of the clergy were convicted of high treason for upholding the independence of ecclesiastical assemblies; the two Melvilles, and six of the brethren, who had been tempted to London by specious promises of patient hearing and fair judgment, were banished or confined to particular localities in Scotland, because they would not acquiesce in 'Papist ceremonies, and an unchristian hierarchy.' Finally, Episcopacy was formally restored in 1606. But it was easier to create bishops than to endow them; the nobles refused to relinquish the spoils of the Church; it was found impossible to restore to holy uses even the fragment of the old ecclesiastical wealth which had been vested in the Crown by the Act of Annexation. Mr. Burton gives an amusing account of the piteous and repeated wailings of the new bishops on the score of their poverty. But it was all in vain. The one fact which we have to carry out of the whole selfish and cunning struggle is the determined pertinacity of the hold maintained by powerful men in Scotland over the revenues of the old Church. These men were the worthy predecessors of the same class which supports Episcopacy in Scotland in such a niggardly fashion now.

James's next move was more decided. The celebrated Five Articles were passed in a packed Assembly held at Perth in the year 1618. They were ratified by the Estates in 1621, and when the Commissioner rose to touch them with the sceptre, according to the ancient fashion of the realm, the displeasure of Heaven was manifested by lightnings and thunders, and 'an extraordinary great darkness.' To us, looking back on these matters with the cultivated indifference of the present day, it seems strange that the provisions of those articles should have excited so much commotion even upon earth. They enjoined the attitude of kneeling at the Communion, permitted private baptism on necessary cause, insisted on the rite of confirmation, and required the due observation of holy days. What was there in all this to give such dire offence?

'To see how deep these simple rules of ecclesiastical ceremonial, or ritualism, cut into the prejudices of a large portion of the community, it may be proper to glance back at some conditions peculiar to the Reformation in Scotland. The stranger in a Scotch Presbyterian church generally remarks that the form of service seems to have no other ruling principle save that of antagonism to the forms of all the churches which have adhered, in whole or in part, to the traditional ceremonial of the Church of the middle ages. Where in these the suppliant humbly kneels in prayer, in Scotland he stands straight up, with his head erect, as if he would look the Giver of all in the face, and demand what he prays for. Then in the celebration of the sacrament of the Atonement, while in other churches the ceremonies are adjusted so that the communicant shall appear as a suppliant humbly receiving the great boon at the hands of those authorised to render it, in the ministrations of the Lord's table in Scotland, scrupulous care seems to have been taken to give the whole as much as possible the aspect of a miscellaneous party assembled for convivial enjoyment round a hospitable board.' (Vol. vi. p. 323.)

In contrast with this it may not be out of place to quote the passage in which Lord Macaulay traces the spirit of compromise which pervaded the ceremonial, as well as the creed, of the Church of England.

'Utterly rejecting the doctrine of transubstantiation, and condemning as idolatrous all adoration paid to the sacramental bread and wine, she yet, to the disgust of the Puritan, required her children to receive the memorials of divine love, meekly kneeling upon their knees. Discarding many rich vestments which surrounded the altars of the ancient faith, she yet retained, to the horror of weak minds, a robe of white linen, typical of the purity which belonged to her as the mystical spouse of Christ. Discarding a crowd of pantomimic gestures which, in the Roman Catholic worship, are substituted for intelligible words, she yet shocked many rigid Protestants by marking the infant just sprinkled

from the font with the sign of the Cross. The Roman Catholic addressed his prayers to a multitude of saints, among whom were numbered many men of doubtful, and some of hateful, character. The Puritan refused the addition of saint even to the apostle of the Gentiles, and to the disciple whom Jesus loved. The Church of England, though she asked for the intercession of no created being, still set apart days for the commemoration of some who had done and suffered great things for the faith. She retained confirmation and ordination as edifying rites: but she degraded them from the rank of sacraments. Shrift was no part of her system. Yet she gently invited the dying penitent to confess his sins to a divine, and empowered her ministers to soothe the departing soul by an absolution which breathes the very spirit of the old religion.*

The time when such a system could be adopted by the Scotch Reformers, if it had ever existed, was long past. In England it readily found acceptance, favoured by many peculiarities in the origin and early development of the Reformed Establishment. Devised by unenthusiastic statesmen the English Church polity was given to a people naturally averse to extremes, with whom there were no memories of a recent and desperate contest to rouse suspicion of its compromising spirit or hatred of the traces it bore of the august superstition which they had so long revered. And, while much was lost, sufficient of the temporalities was retained to maintain with propriety the observances which that polity required. The decent church, the stately cathedral, the wealth and dignity of the superior clergy, gave appropriateness to some measure of ceremonial splendour. In Scotland none of these influences were at work. Hence the rude simplicity of the new rites may be rested on grounds more intelligible than a love for the semblance of 'convivial enjoyment,' or a disposition to demand rather than to supplicate the favour of the Deity. There Protestantism took its shape, not from the hands of statesmen, but from the hands of zealots who, hardly victorious in their long struggle with Popery, could tolerate nothing that reminded them of their formidable foe. The Church, despoiled by greedy magnates, had no longer the means of maintaining any stateliness of ceremonial. Nor, had these means existed, would they have been so used. The crying sin of the Roman Catholic Church had been idolatry; and everything that recalled her observances was held to savour of idolatry. The worship of the heart must be independent of all outward seeming. Even the ordinary attitude of devotion was rejected as unnecessary

* History, vol. i. pp. 53, 54.

when approaching Him who seeth in secret; as actively evil, because so the inward reality is forgotten in the external form. Moreover, at this time, Popery was not only hated in Scotland, but feared. The contest was too recent, and had been too arduous, for all alarm to have subsided. Popery still held its ground in the north; and a belief became general that the faithless Stuarts were experimenting upon Scottish forbearance, with the ulterior view of at last restoring the old faith in England.

Ignorance, or rather the half-knowledge which is worse than ignorance, came to aid prejudice. Popery was declared to have sprung from paganism. The 'Yule vacance' was denounced as having been originally a festival in honour of the Scandinavian Jol; the surplice had been taken from the priests of Isis, and was thus one of the abominations from which the chosen people had fled into the desert. In the temper in which the people then were, fancies like these found ready credence, and exercised a powerful influence.

Such were the motives which animated the resistance to the Articles of Perth. James, after a struggle, gave way; showing in this, perhaps, wiser 'kingcraft' than in any other action of his life. Laud, then rising into note, urged persistence; but the king not only disregarded his evil counsel, but opposed himself to Laud's promotion, hardly yielding on the latter point to the solicitations of Buckingham. He gave his reasons in a remarkable statement, quoted by Mr. Burton (vi. 338) with the true comment that, if we knew nothing else of James, the sagacity therein displayed would entitle him to be classed among the wisest of rulers.

'The plain truth is that I keep Laud back from all place of rule and authority, because I find he hath a restless spirit, and cannot see when matters are well, but loves to toss and change, and to bring things to a pitch of reformation floating in his own brain, which may endanger the stedfastness of that which is in a good pass, God be praised. I speak not at random. He hath made himself known to me to be such a one; for when, three years since, I had obtained of the assembly of Perth to consent to five articles of order and decency in correspondence with this Church of England, I gave them promise, by attestation of faith made, that I would try their obedience no farther anent ecclesiastical affairs, nor put them out of their own way, which custom had made pleasing to them, with any new encroachment. Yet this man hath pressed me to invite them to a nearer conjunction with the liturgy and canons of this nation; but I sent him back again with the frivolous draught he had drawn. It seemed I remembered St. Austin's rule better than he: "*Ipsa mutatio consuetudinis, etiam quæ adjuvat utilitate, novitate perturbat.*" For all this he feared not mine anger, but

assaulted me again with another ill-fangled platform to make that stubborn Kirk stoop more to the English pattern. But I durst not play fast and loose with my word. He knows not the stomach of that people; but I ken the story of my grandmother the queen-regent, that after she was inveigled to break her promise made to some mutineers at a Perth meeting, she never said good day, but from thence, being much beloved before, was despised by her people.'

Charles I. succeeded to his father's throne, some short while after these words were written for his guidance, in the spring of 1625. From the first he disregarded them, and threw himself into the wild schemes of Laud. At this point Scottish history again assumes an interest which extends far beyond Scotland. In the anti-papal conflict Scotland was the proposed battle-field of the contending forces of Europe. Now her sphere of action is less extensive, but the part she plays becomes more decisive and more dignified. Her ecclesiastical politics combine with her secular, and both flow on together in one great stream bearing with it the liberties of England. Those liberties were never before or since so endangered as they were by the policy of Charles. After the decision in favour of ship-money, Strafford's plan of Thorough bid fair for success. But a few years' peace, and the ship-money would have maintained a standing army; and the liberties of England would have been as the liberties of Spain. At this crisis an act of 'insane bigotry' changed the whole aspect of affairs. The use of Laud's liturgy was forced upon Scotland. Patient under much, the Scotch people would not tolerate that the public worship of God should be profaned, as they thought, by a prelatical service. Constitutional resistance in Scotland was impossible. But they were a turbulent and unruly race: as prompt to appeal to the God of battles as the English had been two centuries before. Their rebellion, and invasion of England, brought upon Charles a war expenditure, and forced him to meet his Parliament. But for that, it is very possible he might have continued to govern without a Parliament, as he had done for eleven years; and, ere the close of his reign, accomplished his cherished design of transforming the English Constitution into a despotism. With the union of the crowns it might have been confidently anticipated that the independent action of Scotland would end. And such, unquestionably, would have been her fate but for the ecclesiastical innovations of Charles. The fierceness of the passions which they roused elevated Scotland to a prominence and influence altogether disproportionate to her real power; and, at the crisis of 1640, enabled her to determine the political future of the Empire.

'Of the two states united, the small state had ardour and strength sufficient to drag the large state along with it; for Scotland began the contest which, after becoming so memorable in British history, influenced the fate of the whole civilised world.' *

The whole of this long struggle, from its beginning with the resumption of the Church revenues in 1625, down to the final outbreak in 1640, is narrated by Mr. Burton with remarkable vigour. He has vividly realised to himself the ever-varying story; and he therefore tells it with perfect sequence, and in true proportion. The narration occupies the greater part of the sixth and seventh volumes; and though minute, as the theme deserves, is never dull or prolix, often strikingly novel and forcible. The writer rises to an unwonted command of the picturesque when he describes the renewal of the Covenant in Greyfriar's Churchyard under the shadow of the castle-rock, or the meeting of the great assembly of 1638 in the Cathedral of Glasgow—a meeting of hardly less historical moment than the meeting of the Long Parliament itself, but for which, indeed, it may well be doubted if the Long Parliament would ever have met at all.

The contest between Episcopacy and Presbyterianism, which had been carried on with varying fortunes, but not, heretofore, with irreconcilable bitterness, or beyond hope of a peaceful settlement, came to a swift decision in this storm. Under the forcing power of oppression, Scotland had in three years become more violently Presbyterian than in the seventy which had preceded. The whole episcopal hierarchy was overthrown, the bishops were deposed, not a few of them excommunicated; and the Presbyterian system of Church Courts formally reconstructed. In 1640 these proceedings were ratified by the Estates, who also adopted the Covenant, and imposed it, under civil penalties, on the whole community.

Our limits forbid our following Mr. Burton through the details of this great national crisis; it presents, however, one or two features deserving of special notice.

The popular impression is that the Scotch rebelled rather than submit to the use of any recognised form for the conduct of public worship. This is a mistake. The Scotch had then no aversion to a liturgy; on the contrary, they had long been familiar with the use of one. In 1557 the Lords of the Congregation had agreed that in parish churches the English liturgy of Edward VI. should be adopted. In 1560 that was superseded by the Book of Common Order, commonly known as

* Burton, vol. vii. p. 281.

Knox's Liturgy, of which Mr. Burton* gives an interesting account, describing it as 'less ritualistic in character than the 'English Common Prayer.' The book, no doubt, had some enemies. There were congregations, even at that date, which rejected it in common with all forms of prayer. On the other hand, there were congregations who preferred the English Prayer-book, and were permitted to use it undisturbed. It is when we contrast such liberality in the national temper with the fanaticism into which oppression and persecution drove the Scotch, that we are able truly to appreciate what evil may be wrought by misgovernment. On the whole, we may safely conclude that the Book of Common Order was popular throughout Scotland. It was used at morning-service in the very church where, in the afternoon of the same day, the introduction of Laud's liturgy roused the wrath of Jenny Geddes. What the Scotch objected to was the substitution for their own service-book of a new one and a worse one. Nay, Laud's liturgy differed, for the worse, not only from the Book of Common Order, but even from the English Prayer-book. And in this they suspected—nor can we pronounce their suspicions unreasonable—an insidious design. That design was, they thought, to establish Popery in England; and the present outrage was a cunning experiment on the vile body of Scotland, to discover how much the people would endure. The Scotch Commissioners so put their case in the articles against Laud: 'By this their doing they did not aim to make 'us conform to England, but to make Scotland first (whose 'weakness in resisting they had before experienced in novations of government and of some points of worship), and 'therefore England, conform to Rome, and even in those 'matters wherein England had separated from Rome ever 'since the time of the Reformation.' More than all, perhaps, the people rose up against the mode in which this Prayer-book was forced upon them. It was the culminating point of a system of innovation long and deliberately carried on; it brought before the people, in one tangible result, the meaning and purpose of the misgovernment which for so many years they had endured. As far back as 1636 Charles had issued at his own hand, and enforced on the clergy by his sole authority, a body of canons for the governance of the Church. These canons contained, it must be confessed, little that was really objectionable, though they did enjoin certain forms which savoured of prelacy; but the flagrant illegality of the mode in which they were imposed incensed the nation far more than

* Vol. v. pp. 63-70.

their substance.* Even the staunchest Episcopalians murmured; indeed, so high-handed was the usurpation of authority, that it offended the priestly pretensions of the bishops hardly less than it exasperated the declared opponents of the royal prerogative.

A strange zeal for special points of doctrine and form moved certain of the Stuart race. James II. 'lost three kingdoms for a mass;' Charles I. raised the rebellion which cost him his kingdom and his head for a liturgy. It seems probable that, in matters secular, he might, so far as Scotland was concerned, have indulged his tyrannical nature with impunity. Constitutional resistance was, as we have said, impossible; and the people would not readily have taken up arms for any lighter cause than purity of worship. So far as we can now judge they were animated by no dislike to the person of the Sovereign—even when they delivered him up to his English subjects, in a manner more illustrative of the national prudence than of the national chivalry. Beyond doubt they were not urged by hostility to the throne. They at once proclaimed Charles II. as his father's successor; and opposed themselves, in support of the monarchy, to the whole power of Cromwell. But the one thing they could not away with, which they were resolved to resist at all hazards and to the last, was aught that savoured of Popery. And this was what they believed to be thrust upon them.

At the same time, the people could not fail to remark, as a symptom of the same policy, a subtle and persistent system of encroachment on the privileges, such as they were, of the Scotch Parliament. It is difficult, indeed, to say whether hatred of the kirk or love of despotic power was the leading motive with the Stuart kings. Charles was, after a fashion, a keen Episcopalian; and James had a very natural dislike for the austere and rude zealots who had so often rebuked him and set him at naught. But no motive could long hold sway in the infirm mind of James; and Charles, on an emergency, had no scruple in giving his royal sanction to an Act declaring Episcopacy contrary to the Word of God. We suspect that, on the whole, much as the Stuarts loved Episcopacy, they hated freedom more; but their policy was of a piece. The liberties of Scot-

* One of these canons, whatever may have been thought of it then, would be highly approved by many Presbyterian congregations at the present day. 'Albeit the whole time of our life be but short to be bestowed in the service of God, yet seeing He tempereth that work to our weakness, it is ordained that preachers in their sermons and prayers eschew tediousness, and by a succinct doing leave in the people an appetite for further instruction, and a new desire for devotion.'

land were at that time involved in the independence of the Church, and so could be, and were, attacked together.

The grievances of which the Scotch complained may be gathered from the explicit statement which they made of their demands on the eve of hostilities. These were:—the abolition of the Court of High Commission; the withdrawal and disavowal of the Book of Canons, the Book of Ordination, and Laud's Service-book; a free Parliament; and a free General Assembly.

Charles took part in this contest with his usual weakness and duplicity. He issued a solemn declaration assuring 'all men' that he would not press the Canons and Service-book but in a fair and legal way; and at the very same time he wrote to Hamilton, the Lord High Commissioner, declaring that 'I will rather die than yield to those impertinent and damnable demands.' He threw away his only chance of beating the Scotch when they first invaded England; thinking to ward off the danger by entering into negotiations which, on his part, were a mere pretence. Mr. Burton seems even to credit the story—widely believed at the time—that the Irish rebellion was secretly stirred up by the court, and that Charles, when in Scotland in 1661, actually sent the Irish rebels a Commission with the Great Seal of Scotland, authorising them to make war upon 'all English Protestants' within the island. When we remember that, through ill-luck or treachery, all this miserable faithlessness was known to his opponents, we cannot but wonder at their long-suffering. It were beyond the scope of this article to dwell upon the part played by Scotland during the civil war—her triumphs and her humiliation. The secular affairs of Scotland during this time—and, indeed, ever since the accession of James to the English throne—really form part of the history of England, and have been so regarded by English historians. Mr. Burton, feeling this, has treated them with brevity; his reviewer may be permitted to pass them over in silence. It seems better to complete our sketch of the development of Scottish ecclesiasticism; worthy of attention both from its peculiar features, and because of the influence which it long exercised, and, to a considerable extent, still exercises, over the people.

Few sovereigns have ever enjoyed nobler opportunities of beneficent legislation than Charles II.; and especially as touching the affairs of the Churches. In England, wise and firm statesmanship might have restrained the fury of the restored cavaliers; might have redeemed the errors of Elizabeth; and, to the exclusion doubtless of many zealots and fanatics, might

have embraced, within one liberal and expansive Church, men, differing indeed in opinion, but differing in moderation and with mutual indulgence—such men as Usher on the one side, and Baxter on the other. In Scotland a like work of peace and reconciliation would have been more easy. For there no powerful body of exiles had returned, thirsting for revenge, resolute against concession. On the contrary, the state of Scotch parties gave promise of a ready compromise. The wild zealots of the West, though protected, had been tamed by the administration of Cromwell. And in the days of their power they had so borne themselves as to have alienated the great bulk of the people. Many even of the stern soldiers who followed Leslie across the Tyne had cooled in their zeal for the Covenant. For, in their minds, the rebellion and the dream of three covenanted kingdoms was now associated with the great overthrow of Dunbar, and years of alien domination. To the younger generation the gloomy doctrines of a past time seemed to fly away before the new day of peace and toleration which was dawning with the restoration of their native princes. The aristocracy, secure in their possession of the church lands, had forgotten their Calvinistic zeal; the clergy were anxious for rest, and as a class thoroughly loyal. It would, then, we firmly believe, have been a work of no great difficulty to have devised a system of Church government, partly Episcopalian, partly Presbyterian in form, the establishment of which would have been welcomed by the whole nation, with a few insignificant exceptions.

Unhappily, a very different course was pursued: all idea of compromise was laid aside. The Covenant was burned by the common hangman; the whole Presbyterian polity swept away; the General Assemblies, so dear to the people, closed; Prelacy in its strictest form established—the bishops being restored to more than their former power, if to less than their former splendour*—upwards of 300 clergymen turned out of their livings because they would not deny the orders they held, and accept Episcopal collation. To what we should ascribe this wantonness of tyranny it is not very easy to discover. Sir George Mackenzie gives a curious account of a solemn Council on Scotch affairs, in which the question of Episcopacy versus Presbytery was debated.† The establishment of Episcopacy

* Kirkton describes the bishops of 1612—restrained by Church Courts—as ‘mere pigmies’ compared with the bishops of the Restoration.

† *Memoirs*, pp. 52–56.

was urged by Middleton and Glencairn—the one a brutal soldier, the other an ignorant and presumptuous peer; and both inflamed with the passions and folly of men who had long been exiles. On the other hand, the inexpediency of such a violent policy was forcibly pressed by Lauderdale, Crawford, and Hamilton. The debate is set forth by Mackenzie with considerable dramatic power; and the argument is all one way. So far as we know, every Scotchman whose opinion had any claim to respect, concurred with Lauderdale and Hamilton. Even the traitor Sharp did not desert the cause he had undertaken to uphold without some effort on its behalf. What, then, induced the adoption of a policy, certainly wicked—that, indeed, was a trifling matter—but not less certainly dangerous and cruel, and so far repugnant to the nature of the king? Kirkton thus accounts for the determination which was arrived at:—

‘They (the bishops) were the best tools for tyranny in the world; for do a king what he would, their daily instruction was, kings could do no wrong, and that none might put forth a hand against the Lord’s anointed and be innocent. The king knew also that he should be sure of their vote in Parliament, desire what he would, and that they would plant a sort of ministers which might instil principles of loyalty into the people till they turned them first slaves, and then beggars.’

Such views might well have influenced Charles I.; hardly, we think, his more indifferent son. He certainly disliked Presbyterianism as much as it was in his nature to dislike anything at a distance; but even the recollection of his dismal royalty in Scotland would not have reconciled him to the infliction of great suffering, and to the risk of a desperate resistance. He would have been well content had every man in Scotland turned Mahometan, if so only they gave no trouble to him. But his Ministers were men of different mould. The vindictive hatred which Clarendon bore towards the Puritans must have extended to the Presbyterians; nor can we believe that at this time the bigotry of the Duke of York was without weight in the counsels of the king. Nevertheless, the blame of what ensued must rest mainly with his Scottish advisers. Had the king been fairly made aware of the consequences of the course he was following, he would probably have paused. Unhappily such men as Lauderdale and Sharp, rather than risk a temporary loss of court favour, abjured their opinions and betrayed their trust; and stooped to the exceeding baseness of persecuting that form of worship in which they had been brought up and which in their hearts they preferred.

Principal Tulloch of St. Andrew’s recently made an ingenious effort to relieve the memory of Sharp from the weight of

infamy which rests upon it.* Every respect is due to such a vindication from such a quarter—from a man who, while a good churchman, is yet a thorough and steady Liberal. We cannot, however, think the defence made out. The charge against Sharp is not, as Principal Tulloch seems to suppose, that he went to London with any design to play the traitor. The mission which he undertook he probably intended to fulfil. But he would not imperil his own advancement; he was unable to withstand the slightest frown of power. Animated by no conceivable motive save mere self-seeking, he deserted the cause he was sent to support, concealed his perfidy with a complete cunning, blinding even the most suspicious by his assumption of sanctity, of disappointment, of weariness with the world—he all the while being in effect Archbishop of St. Andrew's, devising the subtlest and safest mode of carrying out the designs of the court, and waiting only opportunity to oppress his former friends with more than the proverbial pertinacity and cruelty of a renegade. He had capacity for affairs, and a courage which commands admiration; he was a faithless partisan, an obsequious self-seeker, a cruel ruler, an apostate priest; and the influence of a profession which, if insincere, cannot fail to corrupt, debased his nature even below the nature of Lauderdale.

Mr. Burton has devoted considerable labour to the character and conduct of Sharp. He has given large extracts from the Archbishop's correspondence with Lauderdale, and so brings the man fully and fairly before us. He, too, entirely rejects Dr. Tulloch's defence; and no one, we should think, can read the 77th and 78th chapters of his history without adhesion to his severer views. Principal Tulloch himself, if we may judge from an expression in a recent article by him in 'Macmillan's Magazine,' seems now to entertain doubts of his own lenient judgment.

It is, indeed, difficult to speak too strongly of the evil which these men wrought to their country. It may be urged that no firmness would have successfully upheld Presbyterianism against the first fervour of the Restoration. But, had Scottish statesmen been commonly honest, the prelacy established would have been of a very different type, and would have been enforced by very different means. Charles himself was the reverse of a persecutor; and the ideas which from time to time

* See Article, Archbishop Sharp, 'North British Review,' June 1867; an article stated by Principal Tulloch to be his in 'Macmillan's Magazine' for December 1870.

gained a temporary ascendancy in his councils, as at the fall of Clarendon, and again at the overthrow of the Cabal, were utterly hostile to such a government as the government of Scotland, had the reality been fully known. Even as it was, what slight relaxations of the heavy yoke took place from time to time were all concessions from England; the full fierceness of the tyranny was of home growth. The nobles, no longer apprehensive that the restoration of Episcopacy might involve the resumption of the church lands, and not indisposed to overthrow a democratic church, were obsequious to the lightest wish of the court, and carried the court policy into excesses from which English statesmen would have shrunk; the gentry eagerly followed the lead of their superiors; the clergy, from Sharp urging on the fiery persecution at the Council Board to the curates who furnished lists of their non-conforming parishioners to Claverhouse's dragoons, were resolute on the complete triumph of their own sect. The power was supplied by England; the actual work of oppression was intrusted to native greed and cruelty. As Mr. Burton observes, there was a meanness about the whole thing which makes the designs of Charles and Laud appear dignified—almost excusable. For in them there was at least something of an idea; the delusive dream which mocked the king and the prelate was to restore the splendour of ceremonial, the wealth of decoration, the ritualistic symbolism which the Church had lost; and without which they believed—nor does the teaching of history contradict them—no church can hold lasting dominion over the imaginations of men. But, in the Government of the Restoration, the largest charity can discern no motive which is other than base, material, and self-seeking. In contrast, even the Revocation of the Edict of Nantes looks like an act of statesmanship, dictated, if by intolerance, at least also by sincerity.

At no period of Scottish history, as we remarked in our former notice of Mr. Burton's book, have her nobles, as a class, been much to boast of. But the rulers of this unhappy time had attained a peculiar eminence in vice. Besides their cruelty, they evinced a general depravity of nature which it is hard to parallel. Even the feeling of honour was dead among them. The assassination of Archbishop Sharp was doubtless a great crime; but the guilt of it seems trivial in contrast with the judicial murder of Mitchell, at whose trial all the chief members of the Privy Council—Sharp himself included—committed deliberate perjury, in order to secure the death of a crazy fanatic, whom they had already half-killed with torture,

until even the Scottish judges of that day hid their faces with their hands from shame or from fear.

A curious disposition to defend the Restoration Government has lately appeared in some quarters. It is of recent growth even among Scotch Tories. Hume calls the legislation of the Scotch Parliament at this time 'an excellent prelude of all the 'rigours of the Inquisition;' and his deliberate judgment is that 'it were endless, as well as shocking, to enumerate all 'the instances of persecution, or, in other words, of absurd 'tyranny, which at that time prevailed in Scotland.' But the loyalty of the historian of the house of Stuart has been rejected as weak by the Tory sentimentalists of our day. They accuse even Sir Walter Scott of leanings towards the Covenant. In order to the success of this re-hearing of the judgment of history, the cruelty charged against the Government must be disproved; and accordingly much labour has, with this object, been bestowed on what Mr. Burton, with a somewhat dismal jocularity of the legal type, calls the 'leading 'cases' of the Christian carrier and the Wigtown martyrs. The late Professor Aytoun distinguished himself by an elaborate argument to show that Claverhouse had nothing to do with the murder of John Brown—was not even present at it. This was conclusively disposed of by Mr. Mark Napier, who published the original despatch of Claverhouse himself, giving a cool and minute report of the whole tragedy. But Mr. Napier having demolished Mr. Aytoun's position, must needs set up a novelty of his own. Accordingly, he propounded the theory that the women—commonly known as the Wigtown martyrs—were never drowned in the Solway at all. The arguments—if they may be so called—by which Mr. Napier endeavoured to maintain his discovery have been already disposed of in this Journal.* We do not propose to renew the discussion. The matter has been put beyond the reach of doubt in a volume lately published by Dr. Stewart, the parish minister of Glasserton—an admirable specimen of historical investigation; thorough in research, moderate in tone, and judicial in its conclusions. Even the patience and courtesy of Mr. Burton cannot regard the extravagances of Mr. Napier as deserving of a serious answer. The closing chapters of his history have conclusively, and, it may be hoped, finally disposed of these foolish and mischievous attempts to defend the Scottish administration of Charles II. They are fair, indeed, and impartial; because Mr. Burton cannot write otherwise than fairly

* Edin. Rev., July, 1863.

and impartially; but here, at least, he escapes from Arnold's condemnation of the impartiality of indifference: along his page there lives a genuine love of liberty and truth which commands our heartiest sympathy and admiration.

Such a struggle as that which we have hastily sketched could not fail to leave enduring traces. Its immediate effect was, undoubtedly, to increase the power of the clergy. The sufferings they had undergone in the cause of truth and freedom could not fail to strengthen their hold upon the people. Beyond question they misused their power. Not content with persecuting the fallen prelatists—which cannot be held altogether without excuse—they sought to extend their austere rule over all society; called in the secular arm to enforce orthodoxy and morality; punished with death alike the folly of expressing heterodox opinions and the licentiousness of marrying a deceased wife's sister. Everyone remembers the terrible indictment drawn up against them by Mr. Buckle; but it is unfair, with Mr. Buckle, to hold the clergy alone responsible for these cruelties. They were, at the worst, true exponents of popular feeling. It should not be forgotten that, irrespective of the influence of Reformed doctrine, there grew up all over Europe, at the close of the sixteenth century, a vehement reaction against the profligacy of the age. In France that reaction had shown itself in the austerity of the Huguenots; in England it sowed the seeds of Puritanism; in Scotland it ran to wilder extremes, intensified by the temper of the people, and the persecution they had endured in the cause, as they thought, of morality and truth. The clergy used their power unsparingly—often iniquitously; but their power would have been slight had they not been supported by public opinion. The statesmen and lawyers who, without the excuse of sincerity, lent themselves to such a policy, incurred far deeper guilt. It may have been due to the influence of the clergy that, after the Reformation, adultery was made a capital offence, and fornication brought under the criminal law;* but for ecclesiastics to mistake the true sphere of jurisprudence is not very extraordinary or blameworthy. The blame rests rather with the laymen who allowed such legislation, and enforced it. One of the most vigorous efforts of the Scottish tribunals in behalf of morality was the execution of a tailor for marrying 'his first

* An offender in this sort for the *third* time, in addition to fine or imprisonment, was 'to be tane to the deipest and foulest pule, or water 'of the towne or parochin, there to be thrice douked; and thin after 'banished the said towne or parochin for ever.' (*Act. Par.*, 1567.)

'wife's half brother's daughter;' and that took place in 1630, a time when the influence of the Presbyterian clergy was not great.*

Whatever may have been its extent, the interference of the clergy in the administration of the law was not of long duration. But it is often alleged that they retain to this day a pernicious sway over the minds of the people. This, we are persuaded, is an erroneous view. The lowland Scotch at least are not priest-ridden; they accept, doubtless, many priestly dogmas, but they do so because persuaded of their truth. Those only who unthinkingly believe whatever a priest tells them, or do whatever a priest bids them, are in truth priest-ridden. For example, at the last general election, we read that a clergyman in South Shropshire, 'finding that numbers of his parishioners had promised to vote for Mr. More, went about telling them that they were about to vote for the Pope, for the Queen to be beheaded, and Protestant clergymen to be burned for their faith.' Now, if it be true that any reverend canvasser by such means induced his parishioners to break their promises, we may, without much want of charity, regard those parishioners as 'priest-ridden.' But men open to such influences would be hard to find in any parish in Scotland. The Scottish peasant has many extravagances of creed which he often carries into severity of action; but he has thought them out for himself; and we believe that in many parts of Scotland at the present day, there is more control exercised *over*, than *by* clergymen.

And here it is that we trace the bad effects of the struggles of the seventeenth century—not in the present power of the clergy, but in the austere beliefs to which the people yet cling; partly because congenial to the national intellect and temper, but far more because they have come down hallowed by the authority of the stern teachers of the old time. Hence the real state of ecclesiastical matters in Scotland is this, that while the bulk of the population adhere to those beliefs, and to the unattractive forms of worship which are associated with them, the educated class is becoming more impatient of them every day. The clergy, as a body, must go with the majority; and the result is that in few countries do cultivated and liberal men stand so entirely aloof from clerical influence as in Scotland at the present time. These men are not irreligious. On the contrary, they have, we suspect, a more intelligent interest in theological questions than the same class in England—certainly far more than was entertained by their own forefathers;

* Arnot's Criminal Trials, p. 306.

but they find nothing in the clerical teaching around them which they can respect or believe.* There are some men in the Scotch churches who are capable of supplying this want; but their number is too few to permit hope of a speedy change.

On the other hand, the Presbyterian Church has been powerful for much good. In the first place, it should never be forgotten that to the revolt of 1640 not only Scotland, but England likewise, owes her freedom. The subsequent influence of the Presbyterian polity has been, on the whole, in accordance with that beginning. The presence of the laity as a ruling power in the Church has been a check, more or less stringent, on clerical pretensions. The right of representation conceded to all; the gradation of church courts—synods, presbyteries, assemblies—exercising their jurisdiction according to prescribed rules, and in which freedom of discussion is unrestrained, could not fail to foster principles, favourable to liberty, or at least hostile to the despotic exercise of authority. Moreover, the long resistance to power left a feeling of independence very active within the Church. This became conspicuously manifest after the enforcement of patronage by the Tory Ministers of Anne; and since then it has broken out from time to time in those great movements of Dissent which form so marked a peculiarity in Scottish ecclesiastical history. The Dissenting bodies in Scotland hold a very different position from their brethren in England. Few Scottish churchmen would go with the clergy of the diocese of Oxford in classing together Dissenters and beershops as the great evils they have to strive against. 'When a country squire hears of an 'ape, his first feeling is to give it nuts and apples; when he hears of a Dissenter, his immediate impulse is to commit it to the county jail, to shave its head, to alter its customary food, and to have it privately whipped. This is no caricature, but an accurate picture of national feelings.' This was true when Peter Plymley wrote it sixty years ago; and something of the feeling lingers in England still. But in Scotland the Dissenter cannot be so regarded. He is too powerful. If not liked, he is at least respected, even by the lairds; and the Dissenting clergy are, as a rule, Liberals. Hence, if we include all denominations, we find that in Scotland clerical influence is, in secular politics, on the liberal side.

Moreover much of the evil we have indicated is in fairness chargeable, not against Scottish Presbyterianism, but against

* See a valuable essay on 'Church Tendencies in Scotland,' by Dr. Wallace of Edinburgh, in 'Recess Studies,' 1870.

those who persecuted it. At the union of the crowns it would have been easy to have given Scotland a system of church government which would have reconciled all classes, and rendered possible the harmonious development of the religious life of the country: and even after the Restoration such a task would not have been beyond the reach of any statesmanlike capacity. An opposite course was taken in the very wantonness of tyranny, and those who took it are mainly responsible for the varied and long-enduring mischiefs which were inseparable from such a policy.

The general condition of the country from 1567 to 1688, the period embraced by these volumes, was deplorable. A discerning eye might even then have seen, in the growth of the middle-class, good promise for the future; but there was little of present happiness or prosperity. The ten years of the usurpation formed a brief exception; Cromwell's government of Scotland conclusively refutes Mr. Hallam's charge—that he 'never showed any signs of a legislative mind or any desire to place his renown on that noblest basis—the amelioration of social institutions.' It is impossible to exaggerate the benefits bestowed on Scotland by his legislation. He bridled the Highlands, he silenced the Church, he reformed the constitution. He gave her purity of justice; allowed perfect free-trade with England; opened to her enterprise the expanding field of English commerce;* abolished private rights of jurisdiction; swept away the whole complex machinery of feudalism. He anticipated not only the union of 1707, and the reforms of 1748, but even the commercial and legal legislation of our own day. How far the great Protector was in advance of his age is strikingly illustrated by the fact that, in a Parliament elected in 1868, all the learning and power of the present Lord Advocate can hardly succeed, against professional interests and professional prejudice, in setting the law of Scotland as free from the trammels of a worn-out system as Cromwell left it. With the restoration of her 'native princes' came back all Scotland's miseries. The Navigation Acts of 1660 denied her any share in the trade of England; and thus, during the unprecedented advance of that country from the Restoration to the Revolution, Scotland was every day becoming poorer. When Mr. Burton's history ends we are at the nadir of the national

* How rapidly Scotland thrived during this short period may be gathered from the sum subscribed to the Darien Expedition by Glasgow alone—56,000*l*. Such a sum would have been thought fabulous before Cromwell.

happiness and prosperity. The Revolution, of course, put a stop to persecution. But William could do little or nothing to advance her material well-being. There was, and could be, no real improvement in this respect till after the union of 1707.

These concluding volumes of Mr. Burton's work are in every way superior to the former ones. The themes with which he has had here to deal are, for the most part, better suited to his powers, and possess a more practical interest than the purposeless, if romantic, turbulence of the early period. Accordingly, he has entered into them with zeal, and treated them with fullness and originality. Also, when occasion offers, he shows command of a richer descriptive power, and greater felicity in narrative. In his style, too, there is a marked improvement. The force and vigour remain; the harshness and inelegancies have, in great measure, disappeared. Blemishes, however, may yet be traced:—of phraseology, as in the use of such a word as the word 'genteel'; of quaintness amounting to absurdity; as when a reckless policy is compared to 'the violent frolics of 'the young men who in the present day wrench off knockers 'and upset policemen'; of confused and even ungrammatical expression, as in the following sentence:—'The unobtrusive 'and silent growth of the powers destined to come into contest 'in great convulsions are the most important, yet the least 'obtainable, portion of the history of any notable epoch in the 'history of a large community—and the community involved 'in the Scottish movements of the day was a large one, for it 'was the whole of the British Empire.*' Here too, as before, the pleasure of the reader is marred by the want of method. In the treatment of the various subjects due regard is not paid to truth of historic proportion; and one topic succeeds another with an abruptness which is provoking and confusing—the reader, absorbed in some vital aspect of the great ecclesiastical strife, on turning the page, finds himself without warning plunged into the details of a miserable Highland feud. It is with greater regret that we find Mr. Burton still open to the charge of inaccuracy. It has a curious pagan effect to see the thanksgiving of the Huguenot prayer-books styled the 'Action *des graces*'; and, if that may be looked on as a slip of the pen, no such excuse will avail for the following carelessness. Speaking of Sharp, Mr. Burton says:—

'We are told how, presiding at a witch-trial, he was confounded and showed symptoms of terror when the victim asked him who was with him in his closet on Saturday night last betwixt twelve and one o'clock.

He confessed to Rothes, who was inquisitive on the matter, that it was "the muckle black devil."

This of course implies, either that Sharp shared the popular belief in a compact between himself and the Prince of Darkness, or that he was amusing himself at the expense of his colleague with a grim humour of which we have no other trace. But the story, as really told by Wodrow, relieves us from this puzzling alternative. Rothes did not make his inquiries of Sharp, but of the prisoner; and the confession came, not from the Archbishop, but from the witch.

It is impossible to deny that this inaccuracy, even in the more modified form in which it appears in these volumes, seriously detracts from Mr. Burton's reputation as an historian. Taken together with his love of paradox, it shakes our faith in his guidance. He is incapable of wilfully misleading; his impartiality is beyond question; his research is great; yet he seems to want that craving for truth, that impatience of any chance of error, which is the first virtue of an historian. He comes under the censure of Thucydides—*οὕτως ἀταλαίπωρος τοῖς πολλοῖς ἢ ζητησις τῆς ἀληθείας, καὶ ἐπὶ τὰ ἐτοῖμα μᾶλλον τρέπονται*; with, perhaps, this qualification, that Mr. Burton's *ἀταλαίπωρία* throws him back not so much on the *ἐτοῖμον*, as on the paradoxical and the fanciful.

We much regret that Mr. Burton should not have included in his work some account of the development of Scottish jurisprudence during the seventeenth century. Amidst the convulsions of civil war and the storms of religious persecution—even in spite of the blighting influence of judicial corruption—the municipal law of Scotland was then undergoing a course of improvement, both in form and substance, unexampled either before or since. Statutes of prescription were passed; the law of tithes were settled; sound principles of bankrupt law were recognised; valuable enactments were made for the encouragement of agriculture; in the process of 'ranking and sale' some of the most advanced principles of modern land legislation were anticipated. The men who devised these measures—the lawyers of the seventeenth century—we know to have been men of learning and accomplishment, sound jurists, good scholars, eloquent rhetoricians. Looking at their legislation we cannot but believe that they must also have been animated by a desire to improve the jurisprudence and advance the prosperity of their country. On the other hand they were, many of them, cruel bigots, subservient tyrants, faithless, and corrupt. Nor did this side of their characters fail to leave its mark. They pressed upon the people a

criminal law, in which regulations sometimes strangely favourable to the accused were nullified by vicious practice; they administered, without remorse and without thought of change, the Scots law of treason, which Mr. Hallam justly stigmatises as 'one of the most odious engines that tyranny ever devised against public virtue;' they introduced a rigid system of entails exactly four hundred years after the English nobles had inflicted this evil on their country, and more than two hundred years after the boldness of the English judges had, in *Taltarum's* case, found out a remedy. The strange combination, in those men, of culture and barbarism; of sagacity, patriotism, and statesmanship, with bigotry, cruelty, and oppression; and the result of all, not only on the law, but on the whole national development, would have afforded material for an interesting and instructive page of history.

We regret even more Mr. Burton's silence as to matters academical. Education has always been, as it were, a specialty of Scotland; and no history of that country can be regarded as complete in which her peculiar and long-established system, both of school and university training, is disposed of in some half dozen pages. As a mere question of art some detailed account of the origin of the older universities might have afforded a picturesque relief to the gloom of early Scotch history. How effectively, for example, Mr. Motley varies his sombre story by his description of the pompous ceremonial which attended the foundation of the university of Leyden. Of yet higher historical value would have been a clear account of the great educational scheme of Knox—what was its scope, how, and by whom, it was frustrated. For Knox's wide designs, though much talked about, are not generally known; and an exposition of them would, at this particular time, have been signally opportune.

With all its faults and shortcomings, which we have not been slow to indicate, Mr. Burton's work is now, and will probably continue to be, the best history of Scotland. So far as matters ecclesiastical are concerned, it has, and need fear, no rival. So far as regards the War of Independence, it holds the same position of superiority. If on minor points he has been less successful; if his narrative sometimes fails to attract, or his arguments to convince; if we can mark omissions which mar the completeness of the work; we may yet feel justly grateful to the historian who has for the first time placed before us in the light of truth those aspects of Scottish history which are most worthy of study and best calculated to reward it.

- ART. V.—1. *Letters from Rome on the Council.* By QUIRINUS. Reprinted from the 'Allgemeine Zeitung.' Authorised Translation. London: 1870.
2. *The Vatican Council and its Definitions.* A Pastoral Letter to the Clergy. By HENRY EDWARD, Archbishop of Westminster. London: 1871.
3. *Erklärung an den Erzbischof von München-Freysing.* By Professor DÖLLINGER. Munich: 1871.
4. *Appel aux Évêques catholiques.* By the Père HYACINTHE. 1871.
5. *Documenta ad illustrandum Concilium Vaticanum Anni 1871.* Edited by Professor FRIEDRICH. 1871.

THE 8th of December, 1869, will be a day long remembered in the annals of the Roman Church. It was the opening of the First Council of the Vatican. The external aspect of the city was overcast by the unusual severity of the winter, and the incessant deluge of rain which seemed to recall the second ode of Horace. The yellow Tiber rose, '*retortis undis,*' over the recently discovered quays, and heaven and earth seemed to meet in one black cloud. But inside the great Basilica the splendour of the scene was such as can well be conceived by anyone who has witnessed the Pontifical functions of the Sovereign in St. Peter's. We can all of us imagine the long succession of prelates, clothed in the white robes worn in honour of the Immaculate Conception, whose singular anniversary they were thus studiously made to commemorate. We are thrilled with the vast roll, as of a troubled sea, of the innumerable multitude which filled even that enormous area. We can figure to ourselves the venerable Pontiff Prince, seated on his exalted throne, at the end of the Council-hall, which had been constructed out of the north transept of St. Peter's; the Cardinals in scarlet, on their crimson benches, on his right hand and his left; the pseudo-patriarchs from the barbaric East, in their gorgeous attire, beneath his feet; the archbishops, bishops, and abbots according to their precedence ranged along the hall, to the point where it opened on the vast church itself; the galleries on either side filled with the diplomatic, legal, and theological assistants; and the 'crowned heads,' (or rather, as a high Roman ecclesiastic wittily observed, 'the discrowned heads'), for the first time in the history of Councils, relegated from their places on the floor of the house and in the passion of

debate to the attitude of dumb inactive spectators. On the walls of the chamber were hung pictures of the Councils of Jerusalem, Nicæa, Ephesus, and Trent, so contrived as to raise, regardless of all historical truth, the Pope or his supposed representatives to the highest pitch—Peter, instead of James, the foremost figure at Jerusalem; Sylvester or his legates, instead of Constantine, Hosius, and Eusebius, the leading figures at Nicæa. Round the lofty cornice ran the inscription: ‘I have prayed for thee, that thy faith fail not,’ on which was based, regardless equally of all Biblical science and of all Patristic interpretation, the infallibility of the modern Popc. Human ambition has rarely reached a higher point than that which must have swelled the breast of the aged Pontiff, as he thus saw the wish of many years fulfilled, and the representatives of his Church gathered from all parts of the world to bestow upon him the proudest attribute that mortal man ever claimed.

Nor was this outward impression materially altered, if from the opening of the Council we pass to its close. The elements, indeed, again frowned on the assembled Fathers. Of the last, as of the first day, it was remarked that they were the two darkest and most depressing days that Rome witnessed during the whole of that eventful year. After a long unclouded blaze of the Roman summer sun, continuing for the last weeks of June and the first weeks of July, the windows of heaven were again opened, and the rain descended in such torrents that the promised illumination was of necessity suspended, and the Roman populace could hardly make its way to the Basilica. The thunder pealed and the lightning flickered round the hall, drowning the voices and distracting the attention of those who, one after another, shouted ‘*placet*,’ whilst each thunder peal and each lightning flash seemed to announce the response. So dense was the darkness after the voting was concluded, that a huge taper had to be placed by the Pope’s side, to enable him to read the decree of his own infallibility. To many, no doubt, this lowering of the heavens might have naturally seemed a sign of the Divine displeasure at this culminating act of folly and superstition. Yet to its adherents the Pope might well be regarded at that moment as a second Moses declaring the last revelation amidst the thunderings and lightnings and thick darkness of a second Sinai. And if the ardour of the promiscuous crowd was quenched by the violence of the tempest, if the diplomatic galleries were empty, by virtue of the prudent abstinence of the European courts from giving even the slightest sanction to an act which all had deprecated—on the

other hand, the apparent unanimity of the Prelates (two only, and they of the most insignificant * sees and the most insignificant character, protesting against the five hundred and thirty-three of the subservient majority) gave to the event at least the semblance of that catholic assent which the Papal party had always desired, and which the Pontiff himself had been led to expect. 'A more effective scenc,' says an eye-witness, 'I never beheld. Had all the decorators in Rome been employed, nothing approaching to the solemn splendour of the storm could have been prepared, and never will those who saw it and felt it forget the promulgation of the first dogma of the Church.'

Such was the external spectacle which alone met the eye of the faithful during the public scssions of the Council. It may well be believed that there were many to whom on the spot this dazzling pageant occupied the whole horizon. It is said, indeed, that even for months before the opening of the Council it was almost impossible to divert the attention of the Chief Person concerned from the questions of dresses, of scaffolding, and of processions to the gravity of the consequences in which it was probable that the Church itself might be placed. It may, however, be pardoned to those who from a distance can take a more impartial view of the whole transaction, to act the part of the slave in the ancient Roman triumph, and to whisper in the ear of this seemingly more than Capitolian conqueror the warning of his mortal frailty. 'The things which were seen' were splendid, but they were transitory; 'the things which were not seen' on the outward surface belonged to the 'eternal' interests of Christianity and of mankind. It is on these that we desire to fix the attention of our readers, whether in the light of the inner history of the Assembly itself, or of the portentous year which has succeeded to it.

I. It is not our intention to pry into the 'secrets' of the Council. Not only is the information on this subject necessarily imperfect, and waiting for the powers and knowledge of a Sarpi to sift, classify, and reproduce, but the larger part of it, even if correct, belongs to that most fugitive and worthless kind of historical study—the narrative of intrigues and counter-intrigues, plots about nothing, personal recriminations and contradictions. They may be necessary to the materials of history; they are not history itself. But there is a

* The two protesting bishops were Ricci of Cajazzo, and Fitzgerald of Little Rock. It was impossible for the wits of the Papal Court to resist the remark that the Little Rock had set himself up in vain against the Great Rock of Peter.

general result at once incontestible and full of instruction. In the record of facts which no one doubts, the story of the Vatican Council has revealed to the public gaze the internal divisions which rend asunder the unity of the Roman Catholic Church from its summit to its base. A foreign Catholic theologian of great eminence addressed to an English Protestant divine, on his way to Rome in the autumn of 1869, the well-known words with which Lucretius congratulates those who from a safe position enjoy the pleasure of watching troubles not their own, '*suave mari magno*,' &c. His speech was as true as it was generous and candid. For once the distractions and variations of Protestantism shrank into insignificance before the wider chasms which yawned between the contending sections of Roman Catholic Christendom. There was, before the Council began, an apprehension or a hope that these divisions would be concealed by the inherent difficulties of the language used, and by the exclusion of the public from the Council Chamber. And no doubt to a great extent these expectations were realised. No authentic report of the speeches was ever published. Publicity, the one indispensable guarantee of the freedom and the value of discussion (as we ventured to remark before the Council opened), was carefully prohibited. The acoustics of the hall were confessedly in the highest degree defective. The pronunciation, not to speak of the understanding, of Latin in many instances was no small difficulty in such a mass of heterogeneous nationalities. The restrictions on the delivery of speeches rendered a debate, in the common sense of the word, almost impossible. These were, no doubt, serious drawbacks in the way of regarding the proceedings of the Council as an adequate expression of the intelligence even of those who were present. But still the fact that they were foreseen led in some degree to their being surmounted. The debate in fact opened before the Council began. Each leading prelate, as he left his diocese, perhaps in anticipation of these very obstacles, fired off in parting a manifesto of his sentiments. The Catholic journals in all parts of Europe joined in the fray. And this combat not behind, but before, the scenes, was continued more or less through the whole Council. Letters from the contending prelates, published—especially on the side of the minority—in foreign countries, were constantly appearing. Speeches, sometimes those which had been delivered, sometimes those which had been intended to be delivered, were printed and circulated. Laymen, distinguished by rank or by intelligence, became in Rome the centres of the opposing camps. The watchwords of

Fallibilist and Infallibilist became as definite, as well recognised, as Protestant and Catholic. The several nations of the Old and New World fell into the ranks of one or other of the two parties. The Italian bishops, the Spanish bishops, and the English bishops were on one side. Most of the German and half of the French were on the other. The Bishop of Laval denounced the Bishop of Orleans as the centre of a conspiracy too shameful to be expressed in words. The Bishop of Orleans not only attacked directly his brothers of Malines and Westminster, but launched his thunderbolts against the chief organs of the Papal Court—the ‘*Civiltà Cattolica*’ and the ‘*Univers.*’ If we can imagine such a thing as a pastoral addressed by the late Bishop Philpotts to the editor of the ‘*Record*,’ we can form some notion of the virulence of attack and defence between the hostile representatives of French Catholicism.

Nor was it possible for any precautions of the Papal Court to hide altogether from public view the scenes* which took place at Rome, in or out of the Council Chamber. There was the violent outbreak in the hall when Strossmeyer ventured to defend such Protestants as Leibnitz and Guizot, when the tumult became so loud that the servants of the bishops who stood outside the church drew their swords to defend their masters within; when an American bishop said of himself, not without a touch of patriotic pride, that he knew now one assembly rougher than the Congress of his own country.† There were the ungenerous insults heaped on the memory of the devoted champion of the Church—Montalembert; the angry taunts with which the Pope announced his death in one of his solemn audiences; the prohibition of the funeral service, to which as a Roman patrician he was entitled, in the Church of Ara Cœli; followed by the permission reluctantly extorted to celebrate mass in an obscure church at a time when no one could attend, for the soul ‘of a certain Charles’ (‘*uno certo Carlo*’). There was the storm of reproaches against the Latin patriarch of Chaldea, who succumbed from mere terror, and his three associates who, with true Oriental cunning, evaded the necessity of answer by feigning first ignorance which covered their absolute silence, and then illness which covered their absence. There were the repeated complaints of French bishops, who spoke of the reproduction before their eyes of the robber synod of Ephesus—the *ludibrium*

* The Letters of Quirinus, *passim*, and the article on ‘the Vatican Council,’ in the North British Review; No. cv.

† Ibid.

Vaticanum—‘the absence of the conditions of order and liberty, without which a Council cannot exist;’ the pathetic speech of the Cardinal who exclaimed, ‘*Mon cher, nous allons aux abîmes*;’ the declaration of one of the leading prelates of the minority that the conduct of the majority was like that of a herd of cattle.

We know that these representations of discord and disorder have been as vehemently denied as they have been vehemently asserted. We are bound to say that, whilst we can see no room for doubting the truth of the assertions, we are amazed that in the face of facts so public as many to which these statements refer, any denial should have ever been thought possible. In one of the Ultramontane journals the Pope is reported to have said that every Council has three stages—the first stage, which belongs to the Devil; the second, which belongs to man; the third, which belongs to the Holy Ghost. It is, perhaps, too much to ask for the means of distinguishing the transition from one of these periods to the other. But it is certain that if strife and evil-speaking are signs of the first of these influences, it may well be believed to have extended to the whole of the eight months. It is the history of every Council more or less, and the interest of this part of the Vatican Council is that it illustrates the history of all others. Nor is it to be denied, on the other hand, that, as in all mixed assemblies, the friction of intercourse and debate draws to the surface some of the higher elements of society, so even these disastrous and discordant agitations gave scope to the action of characters which, it may be, will yet figure on the better side of the ecclesiastical story of the nineteenth century—the impetuous eloquence of Strossmeyer, the generous chivalry of Haynald, the Transatlantic energy of Kenrick, the calm policy of Darboy.*

* These lines had been written before the last of these names became invested with a melancholy interest which will for ever attach to the memory of the unfortunate prelate, who fell a victim on the fatal Wednesday of the 24th of May to the ferocious vengeance of the Parisian insurgents. If anything could add to the tragical bitterness of the crime, it would be the reflection that of all the hierarchy of France, the Archbishop of Paris was the most liberal-minded, the most lenient in his judgments, even to the very last, of the fanatics by whose hands he perished. It has been often reported, that in answer to the request that he might be elevated to the Sacred College, the Pope, who had a special dislike to the moderation and freedom of his opinions, replied, ‘He does not need a cardinal’s hat—he is quite red enough already.’ It is one of the strongest proofs of the audacity of denial to which we

II. We proceed to the actual results of the Council. The first was the promulgation of what is called a Dogmatic Constitution of the Faith, containing four chapters and four corresponding canons. The first of these is on the nature of God; the second on Revelation; the third on Faith; the fourth on Faith and Reason. These canons cover a wide field, which embraces or ought to embrace all the questions which agitate the modern world. Some of these questions * we ventured to propound to the Council before the commencement of its labours. What is the nature and the authority of the sacred books? Is it a duty or a sin to read them? Who was the author of the Pentateuch, or of the Epistle to the Hebrews? Or, again, are the condemnations of Bacon, Hallam, and Milton in the Index binding or not binding? Or, again, is the tale of the House of Loretto true or false? Or, again, which of the two conflicting views of Transubstantiation, or of the many conflicting views of Indulgences, is to be accepted? What is to be thought of the salvation of heretics, or heathens; or of the duration of future punishments; or of the origin of the human species? Or, again, what is the best mode of dealing with the terrible and mysterious scourges of pauperism and of war? Is slavery right or wrong? Is persecution a crime or a virtue? On not one of these questions has the Catholic Church pronounced any decision in former Councils. On many of them the modern mind is more or less exercised. On many of them the Protestant churches are taunted by their elder Roman Catholic brethren with the laxity which allows all these questions to be left open for each individual member, lay or

have referred above, that there should have been found ecclesiastics hardy enough to maintain, in the face of the most incontrovertible facts, that the Archbishop had not opposed the dogma of the Pope's infallibility. It is well known that he was throughout amongst its sturdiest adversaries; that he remained the faithful friend of Père Hyacinthe when all others turned against him; and that if indeed at last he submitted to the decision of the Council, with that unhappy timidity which has marked hitherto (as we shall presently point out) the course of almost all the prelates, it must have been merely as a formal recognition of the validity of a decree which he accepted only because he despised it. When his mortal remains were deposited in the Cathedral of Notre Dame, amidst the wail of martial music, and beneath the funeral drapery on which were inscribed the names of the victims of the worst crime of this last Reign of Terror, there must have been more than one amongst the spectators to whom the sad thought was ever present, that in his grave was buried the best hope of a reasonable and conciliatory future for the Church of France.

* Edin. Rev., Oct. 1869.

clerical, to treat as he likes. All these questions (if we may quote after the event the words which we used before it) 'have been stirred more or less within the Church of Rome itself, and absolutely clamour for solution. The "variations" of the Catholic church"—if less open than the "variations" of Protestantism"—are not less real.* All these variations demanded of the Council either to be acknowledged or suppressed.

The answer is in those four canons; and the result is, that with the possible exception of two or three † ambiguous phrases, 'the oracle is as dumb' as if it had never been adjured to speak. Not a ray of fresh light is thrown on any of these questions. No one's faith is strengthened—no one's knowledge is increased. The only attempt to solve the relations of science to theology occurs in the curious statement in which it is asserted, 'that in the progress of science no sense can be given to doctrines propounded by the Church different from that which the Church understands or has understood.' Such a principle, unless it be a mere truism, is exactly that by which in every age the progress of scientific research has been attempted to be retarded. The remaining declarations are singularly vague and unprofitable. The definition of the nature of God, which is perhaps, on the whole, unexceptionable, is inferior to the sublime definition on the same subject which forms the Second Article of the Confession of the Westminster Presbyterian divines. The only sentences which otherwise can at all arrest the attention are when we suddenly stumble on an unexpected malediction against some dead scholastic dogma, or some almost self-evident truth. It is innocuous, but it certainly is surprising to be assured that everyone is 'anathema' who shall say that 'God is an universal or indefinite being, which by determining itself constitutes the universality of things distinct according to genera, species, or individuals;' or again, who shall say that 'God created by a necessity equal to the necessity whereby He loves Himself;' or again, who shall say that 'the grace of God is necessary for that living faith only which worketh by charity.'

Whatever darkness therefore existed before still remains impervious. Whatever laxity of speculation existed before still remains unconstrained by this Council as by its predecessors. It is one more proof of the incapacity of large promiscuous

* Edin. Rev., Oct. 1869.

† For example, the reassertion of the old scholastic doctrine of 'creation out of nothing'; and the reaffirmation of the Tridentine decree on the authority and inspiration of the Vulgate.

assemblies to determine these delicate questions — an incapacity which if in one sense disappointing, is in another sense consoling, and to the general student of ecclesiastical history highly instructive. It is an additional instance of the futility of seeking in such assemblies an authority on high intellectual and moral questions which we should not think of finding there in any other than religious matters, and which, in point of fact, we do not seek from them even in these. The true authorities which ought to rule, and which have ruled the opinions of Christendom, are the great men whom Heaven has inspired with pre-eminent gifts of genius or of goodness. The sentiments and doctrines of the early ages were determined far more by Origen, Athanasius, and Augustine, than by the four first Councils. The theology of English Christendom has been formed not by the Convocation which drew up the Thirty-Nine Articles, but by its great divines, and poets, and philosophers. In every assembly of ecclesiastics there are peculiar temptations to error which do not equally exist in individuals, and which render it a matter of congratulation when they terminate without some act of mischief or folly; and, therefore, the Bishops of Rome, had their labours ended with the Canons of Faith, might, like the English and American prelates, after the Lambeth Conference, have returned home thankful that, if so little good had been accomplished, so much evil had been escaped. The principle, indeed, on which Galileo was condemned was reaffirmed; the acceptance of the spurious readings and the Apocryphal books of the Vulgate was restated; and the endorsement of these two errors is of itself fatal to the authority of the Council even if it had done nothing more. But the main questions of Biblical criticism, of the relation of scholastic to Biblical theology, the adjustment of the great scientific and social problems of our age, were left untouched; and in view of the large fields of religious thought on which the Council has feared to enter at all, this impotent conclusion of such vast preparations, this production from the labouring mountain of a mouse so small that none but the self-deceived can believe it to be a lion, will have been a termination of the Vatican Council which, if unwelcome to the professional combatants alike of Rome and Geneva, will or ought to have been the most welcome both to intelligent Catholics and to intelligent Protestants. So far as it goes it has been the surrender of the chief citadel of ancient dogmatism, and the crowning though unwilling concession of the Roman Church to the spirit of true latitudinarian Christianity.

Cardinal Cullen, in a pastoral issued in 1869, exulted that his Church was not as the Protestant Churches, nor even as this 'Church of Ireland,' 'most discordant in their religious views—some partially denying the inspiration of Scripture, others feebly defending it; some denying the eternity of the pains of hell, others defending it.' The Cardinal forgot that the very diversities which he thus condemned had been down to that time tolerated in his own Church; and the Council of the Vatican, by declining to define the duration of future punishment and the limits of inspiration, has given its sanction to this boundless variety of speculation. 'The only result' (to use Cardinal Cullen's words) 'of such a discordant assembly, will be that they will do as little as the late Pananglican Synod, or they will agree to the free preaching of any error.' As far as concerns the most important questions which agitate Protestant Churches, this is the exact description of the Vatican Council; and we say it not in scorn, but in grateful acknowledgment of its unconscious witness to its true position. The 'Lucifer' of Christendom has, thus far, fallen from his pride of place, and 'become as one of us.' The Council has done its best to intimate that all merely ecclesiastical authorities, whether in Œcumenical Councils or Congregational Unions, are alike fallible—incapable of solving the mysteries of speculation—incapable of laying down universal and primary principles, however competent they may be to frame regulations for the external actions of those over whom they have a legal jurisdiction.

In this respect, the dogmatic decree of April 16, 1870, was, in the best sense of the word, a triumph to Protestantism such as it has not achieved since the death of Luther; and Catholicism, in the best sense of the word, 'might, if it chose, have acquired a new lease of life by thus acknowledging that 'it had parted with a fundamental error of its former stage 'of existence.' It may almost be said that the Roman Church, if it had advanced no further than that decree, would have gone far to take its proper place as a widely-spread communion, venerable in age, deeply interesting from its long and chequered history, but having abdicated by its own deed its mischievous pretensions to act as the mistress of the world.

III. There was, however, another question which, if it touched only in a remote degree the controversies of Protestant Christendom, was of vital moment to the contending parties of the Church of Rome. The divisions to which we have just adverted, however important in themselves, were yet, as regarded the Roman Catholic Church, comparatively superficial. The theologians of the Latin Church, for the most part, passed

them by on the other side. But there was one problem which, as the Council drew nearer, absorbed, like Aaron's rod, all the others. This was the problem of the Pope's personal infallibility. It was evident that on this question the contending parties were ranged into two unequal, but most hostile camps. However little concern it possessed for the Eastern and Protestant Churches, who one and all absolutely rejected such a dogma even in its most modified form, it was for Roman Catholic Christendom a question which once started could not be laid to sleep. It was no less than the assertion on the one side and the denial or doubt on the other, of an incarnate representation of Divine Wisdom on earth in the persons of two hundred and fifty-six prelates, extending, as was alleged, from the first to the nineteenth century. No theological question equally momentous divides any Protestant Christians from each other. No gulf so wide, on any matter so practical, separates High Churchmen from Low Churchmen, or Latitudinarian from Formalist or Puritan. No Protestant Church admits within its pale such an apotheosis on the one hand, such a contempt on the other hand, of the same person and institution as are involved in the respective doctrines of the Infallibilists and Fallibilists on the subject of the Pope of Rome. On one side the Ultramontane journals loudly asserted that 'the Pope could not err in faith or morals.' With them the Pope was 'the Son of God.' 'When the Pope thinks, it is God that thinks in him.' 'He is my God, and I will glorify him.' The name of 'Pius' in one well-known Latin hymn was substituted for 'Deus.' Another, the beautiful Pentecostal hymn to the Holy Spirit, was addressed directly to 'Pie Neuf, souverain Pontife.' The Churches of Dalmatia were believed to have expressed, as it was called, their touching and innocent belief in the dogma by their fixed persuasion that the Pope was constantly receiving letters direct from heaven, brought thence by a dove flying to and from Rome for that purpose. On the other side 'Janus,' and the small but vigorous school which that learned work represented, maintained that the personal character and official utterances of the Popes during long tracts of their history had been the shame of Christendom. Each particular Pope, according to these representations, as also according to the conviction of all the civilised world outside the pale of Rome, so far from being a supreme infallible judge of mankind in all matters of faith and morals, is an ordinary mortal, occupying indeed an exalted ecclesiastical and civil position, but swayed by ordinary human passions and more than ordinary human temptations.

What the one party held as absolute historical truth, the other denounced as 'the permanent source of error, contention, and 'schism.' What the one party regarded as an indispensable dogma of the original Christian faith, the other regarded as a monstrous fable of the middle ages. The division was patent, profound, and (if the contending parties meant what they said) irreconcilable.

The steps by which this conflict was carried on are well known. Whilst the Pope himself, with the whole weight of the majority of the bishops, was bent on securing what he regarded as the crowning glory of his pontificate, a minority powerful in learning, in intelligence, and in character, used every effort to avert or to frustrate the proposal. From the first this minority consisted of two sections; those who openly avowed their disbelief of the dogma, and those who only ventured to deny its opportuneness. Amongst these last the chief was the Bishop of Orleans. He had himself, a week before his departure from his diocese, issued an address in tone so submissive that the Papal Court might well have calculated on his entire subserviency. But the sudden change of his language in the letter in which a few days afterwards he denounced Archbishop Manning, and still more in that in which he yet more vehemently denounced the Papal organ of the 'Univers,' disclosed a turn of policy for which many potent reasons might be assigned, and which for a long time threatened to be successful. The favourite notion of a decision 'by acclamation' was given up, and for a time it seemed probable that the dreaded dogma would either not be proposed at all, or would be proposed in such ambiguous terms as to enable Monseigneur Dupanloup with his accustomed ingenuity to explain it into absolute nonentity, as he had on a former occasion explained away the Syllabus. To this whole line of argument, however, there was one unanswerable reply. It was urged by the majority that if the dogma were true, its public declaration could not fail to be opportune, and never more opportune than at the precise moment when it was so vehemently desired on one side and denied on the other, and when the distractions of the Catholic Church itself rendered it so necessary. But it was evident that this vulnerable position of the 'inopportunities' of the dogma was a mere strategical move adopted to screen the deeper objections which were pressed with all the weight of history, logic, and theology. Against these assaults were brought weapons from more mundane sources—the fear of provoking the anger of the Sovereign in whose city the Fathers were assembled, the devotion claimed for an aged

and amiable Pontiff, the hopes of vacant cardinals' hats, the burning heats of a Roman July sun, the desire to return to their distant sees, the pressure of their less instructed clergy at home. The result was what we have already described, that on the 18th of July the dogma was proclaimed to the world in a form which, if not altogether free from ambiguity, was, if it meant anything, an assertion that whenever the Pope spoke officially on matters of faith and morals, with or without the consent of Council or bishops, his words were absolutely exempt from error. 'But if anyone—which may God avert—presume to contradict this new definition, let him be anathema.'

We have already intimated how deeply the divisions created by this dogma had, down to the time of its decision, rent asunder the Roman Catholic Church. Let us for a moment consider what the dogma is in itself. It might have happened that the doctrine chosen for the battlefield of the Council had been one which, though extremely improbable, was yet incapable of direct refutation. Such, for example, would have been the sanction of one of the legends respecting the Virgin Mary—her Immaculate Conception, for example, or her Assumption. Such events or mysteries, lying either in the unseen world, or a region beyond the reach of history, admit only of logical assertion or contradiction, without positive and palpable proof or disproof on either side. But the proposition of the infallibility, whether personal or official, of the two hundred and fifty-six Popes, falls strictly within the limits of historical knowledge, and is one of the few theological dogmas of which the entire refutation is actually within the reach of all educated men.

This refutation has been elaborately worked out, not by Protestant polemics, but by grave Roman Catholic divines. The fact that Papal bulls have been issued not only contradicting each other, but involving errors of the most serious kind in faith and morals, must henceforth be regarded as beyond dispute. No other line of sovereigns or prelates exists of which the individual occupants of the seat or throne have spoken so frequently, so erroneously, and so diversely as the wise and the foolish, the good and the wicked men who have filled the Chair of St. Peter.

It is needless to go into the origin of the dogma. It is not by Protestants, but by devout and learned Catholics, that it has been proved to be based on interpretations of Scripture confessedly false, on documents confessedly spurious; that its whole growth is (to use the forcible words of Père Gratry) 'gangrened with imposture.'

Nor will we revive the controversy as to the orthodoxy or heresy of Honorius. That he was anathematised as a heretic by his successors, and that therefore he or they grievously erred—he by deserving to be anathematised, or they by anathematising him without cause—there can be no doubt. For our own part, we confess to thinking that he was probably more right either than the patriarch whom he condemned, or than the Popes who condemned him. His heresy, such as it was, consisted in treating the whole question at issue between the Monothelites and their opponents as one of no practical moment; and the painfully instructive part of the whole story is, that for this wise and Christian sentiment (now practically accepted by the whole civilised world) he should have been subject to an alternation of severe condemnations or faint apologies, as though he had been a criminal like Alexander VI. or John XXIII.

But it is of more importance to indicate some of the consequences (we again quote only from Roman Catholic writers) of the acceptance of this dogma on the belief of the Roman Catholic Church alike in regard to the past and the future. With one stroke this doctrine at once elevates into the rank of divine truth the official declarations of the Popes throughout the middle ages, which justify in every possible form the worst severities of persecution—which condemn in their attacks on usury the very basis* of modern commerce—which render lotteries the only legitimate source of merchandise—which condemn all forms of civil and international policy, except those based on the most absolute civil despotism or the most exclusive ecclesiastical monopoly—which by condemning the ordinations of the Eastern Church virtually invalidate the ordinations of the Roman Catholic Church itself.† These and many more similar absurdities are the inevitable conclusions of the recent dogma, unless it be so evacuated of meaning as to render it absolutely useless for any practical purpose. And for the future, it elevates the reigning Pontiff into the one all-sufficient oracle of Divine truth, independent of science, of councils, of Scripture, who alone can decide the questions which concern the conscience and the reason of mankind. An Irish priest is reported to have expressed his devout gratitude for the assurance or hope conveyed to him by the new dogma, that every morning he might receive a fresh revelation of the Divine will. This is not only no exaggeration of the effects to be

* See 'Papal Infallibility,' in two able letters by 'A Catholic Layman.'

† See 'Janus,' *passim*, and 'Considérations pour les Evêques.'

expected from it, but we do not see how any other view of it can rationally be maintained. 'We must have,' said one of the Papal organs in Italy, in speaking of the evils of a daily press, 'we must have as a counteraction a Pope, who being 'himself infallible, can daily teach, condemn, and define, and 'whose utterances no Catholic ever dares to doubt.*' If the Pope be really the Father of Christendom, and really is assured of his possession of infallible discernment, it is the merest cruelty to withhold from his children the solution of problems which he alone can solve, and solve with undoubting confidence. The autocracy of the Church is indeed completed, and on every matter which concerns either religion or morality, 'tis his to speak and ours to hear.'

IV. It is not surprising that such a revolution involving such consequences should have been resisted by the most learned and intelligent of the Roman Catholic prelates. Not only from the minority within the Council, but from the most distinguished Roman Catholics outside, the murmurs of disaffection if not loud were deep and sincere. Montalembert had from his death-bed protested against the elevation of the 'idol of the Vatican.' A profound saying is reported to have fallen from the lips of an Italian ecclesiastic: 'The idol will remain: 'the sanctuary will be deserted.' The older English Catholics must have remarked, with mingled feelings of astonishment and shame, that they had been admitted to the Legislature, on the express and positive pledges given by their ecclesiastical authorities at the time of the Roman Catholic Relief Act, that 'they acknowledged no infallibility in the Pope,' that 'it was 'not an article of the Catholic faith,' but 'an invention of 'the Protestants.' Dr. Newman in a celebrated letter which, though purporting to be private, was evidently written to be used, and which thus became public, expressed, with that mingled strength and delicacy of language of which he is so complete a master, his intense alarm and anxiety—

'Suddenly there is thunder in the clearest sky, and we are told to prepare for something—we know not what, to try our faith—we know not how. No impending danger is to be averted, but a great difficulty to be created. . . . What have we done to be treated as the faithful were never treated before? Why should an aggressive, insolent faction be allowed to make the heart of the just sad, whom the Lord hath not made sorrowful? . . . I pray those early doctors of the Church, whose intercession would decide the matter (Augustine, Ambrose, and Jerome, Athanasius, Chrysostom, and Basil), to arrest this great calamity . . . If it is God's will that the Pope's infallibility be defined,

* Letters of Quirinus, 566.

then is it God's will to throw back "the times and moments" of that triumph which He has destined for His Kingdom, and I shall feel that I have but to bow my head to His adorable, inscrutable Providence.*

It might have been expected that with a conviction so clear and an opposition so decided, the dissentient bishops would have protested to the end, and the dissentient Catholic theologians would have felt it impossible to receive that which they had declared beforehand that they knew to be false. It is almost certain that in an ecclesiastical assembly a minority of determined men, who know that the truth is on their side, will triumph in the end if they only have the courage to say what they know.

Such, however, was not the conduct of the eighty-eight bishops in the Vatican Council. When the end at last drew near, they could not face the Papal displeasure; they could not trust each other's firmness; they were worn out by the exhaustion of the Roman heat. But neither could they endure the shame of recanting the opinions which they had so publicly and deliberately expressed; they therefore left Rome in a body, on the eve of the concluding session, and with the utmost precipitation, to escape the chance of their being compelled to enter the council chamber and vote against their will. It was a much smaller handful of bishops who raised the standard of revolt against the Council of Rimini, and gave the name of 'Catholica' to the village whither they retired from the triumphant majority. But the true 'Catholic' dissentients from the Council of the Vatican halted not in their flight until they had reached their own dioceses. There the chance still remained to them of preserving the attitude of independence which till within a few days before the fatal close they had maintained in the Eternal City. It is with indignant sorrow that we tell the lamentable sequel. Bishop after bishop, even of those who had most severely denounced the dogma as false and mischievous, either accepted it, or have remained silent. Some, like the Bishop of Orleans, who had professed to oppose it not on account of its falsehood, but its inopportuneness, had left themselves this loophole of evasion. Dr. Newman in the letter which we have just cited, whilst denouncing its definition as the gravest of calamities, and declaring his inability to 'maintain it logically in the face of 'historical facts,' had kept open one door of escape, by his parenthetical intimation that 'at least *practically* if not *doctrinally*, he held the Holy Father to be infallible.' Another

* Letter published in the 'Standard,' April 7, 1870.

convert, after an ineffectual struggle with his archbishop to prevent the publication of the dogma in England, has declared that he accepts it (it is hard not to suppose that he spoke ironically, but nevertheless his submission seems to have been gravely received by the chief organ of the Roman Church in England), on the understanding that 'if a Pope contradicted any clear article of faith he would, instead of 'being infallible in so doing, *ipso facto* cease to be Pope;' or else that 'as no Pope hitherto, so far as we can possibly learn, 'has spoken *ex cathedrâ*, so it is not probable that any ever 'will henceforth.' It hardly needs the assurance of this candid writer to be convinced that 'such as hold this view can easily 'accept a definition which clears up none of the doubts and 'settles none of the disputes as to our being able to tell 'when and what an *ex cathedrâ* decision of the Pope may be.* We cannot imagine a more contemptuous dismissal of what professes to be an important disclosure of truth. Nothing but the seriousness of the subject could save such solutions of the problem from being drowned in the inextinguishable laughter of Christendom. The opinion of those who promoted the dogma, and who probably represent the opinion of the majority, is far otherwise, namely, that 'all laws of discipline, 'canonisation of saints, approbation of religious orders, of devotions and the like; all legislative or judicial acts, so far 'as they are inseparably connected with the Pope's doctrinal 'authority; all sentences and decisions, which contain the 'motives of such acts as are derived from faith and morals,' are included in the definition. That is to say, that we are to accept with equal reverence every sentence of the Syllabus and of the Sermon on the Mount, the Bulls in favour of persecution and against commerce, as not less inspired than St. Paul's definition of charity. In this doctrine, which must be either a monstrous fiction or a mere empty illusion, the vast majority of the bishops and of the clergy have acquiesced. There is a saying sometimes ascribed to Bellarmine, which is often believed to be a Protestant exaggeration—'*Vera sunt vera et 'falsa sunt falsa; sed si ecclesia dicit vera esse falsa et falsu 'esse vera, falsa sunt vera et vera sunt falsa.*' This is precisely the condition of mind which the acceptance of the dogma presupposes in those who before its definition not only opposed, but declared their conviction of its falschood. That they should now be induced to assert that to be true which

* What is the Meaning of the late Definitions on the Infallibility of the Pope. By William Maskell, M.A., pp. 10, 11.

they had before stated they 'could not logically maintain in 'the face of history;' that bishops and archbishops should have accepted a decision which they had proved to themselves and to others by irrefragable * arguments to be absolutely untenable, may by some be regarded as the crowning triumph of the Catholic Church. To us, and not only to Protestants, but to the secret soul of many a devout Catholic, we doubt not, such a conclusion must appear as the moment of its very deepest shame and humiliation.

There is one point of view in this singular transaction which concerns not only the Roman Catholic, but many other churches. It throws a new and vivid light on the pretensions not only of the Roman Church, but of Episcopacy, and of ecclesiastical assemblies throughout the world. There have been even among English Protestants many excellent men who have imagined that a peculiar grace or promise, if not of infallibility, at any rate of exemption from error, was granted to the bishops as successors of the Apostles. This opinion, we venture to say, cannot survive the Vatican Council. Never was such an assemblage of bishops since the beginning of Christianity, and never was the trust of witnessing to the truth more completely falsified. If the 30th of January, 1649, was useful as making kings 'ken that they had a lith in their 'necks,' the 18th of July, 1870, will be for ever memorable as making bishops 'ken' that the immense majority of their order, having truth and error placed before them, either actively promoted, or tacitly and with their eyes open accepted, a proved error. We do not wish for a moment in saying this to disparage the true mission of Episcopacy. The prelates of Christendom have had and may have a singularly beneficent influence on all churches by moderating the passions and prejudices of the inferior clergy and purifying the public opinion of their flocks. But their use—their hopes of usefulness—depend on their frank recognition of their true position, not as oracles, but as guides of their people, on their having the courage to speak out what they really think, on their determination not to be driven by the ignorant panics of their clergy, but to raise their clergy to a level (if so be) with their own intelligence. A single bishop who had uttered boldly in the last solemn session of the Council what

* Perhaps of all these submissions the most astonishing is that of Kenrick, Archbishop of St. Louis, contrasted with his able 'Concio 'habenda non habita,' printed in the 'Documenta ad Concilium 'Vaticanum illustrandum.'

thousands were saying outside of it, what many of themselves had said in tones more or less subdued within it, would have become master of the situation, and redeemed the whole Roman Church from shame. It was one of the noblest opportunities ever offered to Christian prelates—it was heedlessly and miserably lost.

V. The opportunity which was offered in the highest degree to the Roman Catholic Episcopate, was also in a humbler, but still an important sense, offered to the Roman Catholic laity and the Roman Catholic priesthood. In the Roman Catholic laity we must distinguish between two classes. One is that which includes what the French call 'the devout,' what is in fact too often the fanatical, portion of the community; of these we have already spoken. The other includes the intelligent laymen in the world at large. Doubtless the real weakness of the episcopal minority in the Council lay in this—that whilst the enormous majority of cultivated laymen were on their side, their indifference to the question at issue was such as to render any sympathy on their part almost worse than useless. Two only rose above their fellows; who, as it so happened, combined each of them two nationalities in his own person. One was the illustrious Frenchman, Montalembert, who by birth and character was half an Englishman; the other was an accomplished and energetic Englishman, who by birth and education was half a German, Lord Acton. Of Montalembert's indignant protests we have already spoken, and he was snatched away from the evil to come, before his eyes had seen what he would have regarded as the crowning disappointment of the lifelong hopes of his noble and generous spirit. Of Lord Acton we forbear to speak further, because, although all the world knows the courageous and steadfast support which he rendered to the cause of truth during its ineffectual struggle, although nothing can be more striking than the contrast which he has drawn between the expressions of the Catholic prelates before the Council and since, in his able Letter to a German Bishop, we wait with anxiety to observe the position which he will take up towards the Church and Court of Rome now that the struggle has been brought to its fatal close.

Amongst the inferior clergy there is, as a general rule, still less to reassure us than amongst the bishops or the laity. But here also two ecclesiastical figures emerge from the general failure or eclipse of their order, each of whom deserves especial mention, both from their intrinsic interest, and from the wide-reaching hopes which their example carries with them. One is the celebrated French preacher, Father Hyacinthe. It was his

impassioned cry on the 20th September 1869, that first broke the silence which weighed down every effort after freedom of speech in the Roman Catholic Church. That cry, derided, condemned, placed under the ban of censure and excommunication, was the rallying point of the opposition in the Council. It was this which, without direct or conscious acknowledgment, contributed in a powerful degree to change the policy of the Bishop of Orleans, and to stimulate the French bishops in their desire to act worthily of a country which, as at that time they fondly dreamed, stood at the head of European civilisation. His protest, again, after the Council was closed, was the first indication that there was still a conscience of truth and independence of judgment left in the Roman Catholic Church. And finally, from him again, even in the presence of the great calamities which weighed upon himself and his country, there came, in the course of the last winter, that noble appeal to the bishops of Catholic Christendom, which disclosed without reserve the conditions on which alone he could consent, as he would then gladly consent, to resume 'in the Church of 'his baptism and of his priesthood, in obedience, at the same 'time as in honour and honesty, a ministry which had been the 'unique passion of his youth, the unique ambition of his life, 'and which his conscience alone had forced him reluctantly 'to abandon.'

'Let me be permitted, in the presence of the misfortunes of my country and the misfortunes of the Church, to address myself to the Catholic Bishops throughout the world—to those especially who see the situation as I see it myself, and who are, I well know, not a few. I am nothing that I should speak to them so freely. But was it not the bold saying of the illustrious Gerson, that in times of crisis, even the humblest peasant may convoke a General Council and save the universal Church? It is this right which I use; it is this duty which I discharge in conjuring the Bishops to put an end to the latent schism which divides us down to a depth more formidable in proportion to its being less acknowledged.

'Before all else, we require them to tell us whether the decrees of the recent Council are or are not binding on our faith. In an assembly in which the first conditions ought to be the entire freedom of discussion, and the moral unanimity of the votes, it is well known that Bishops, considerable by their numbers, by the authority of their learning and their character, have complained loudly and repeatedly of restrictions of every kind imposed on their liberty, and have refused to take part in the final decision. Is it possible that on returning to their dioceses, as if awaking from a long dream, they have acquired a retrospective certainty of having actually enjoyed, during their sojourn at Rome, a moral independence of which at the time they were not conscious? The very supposition is an insult. There is

no question here of a mystery above human reason, but simply of a fact of personal experience; and a change of opinion in such a case is not to submit reason to authority, but to sacrifice conscience itself.

'If it be so, we remain free after as before the Council to reject the infallibility of the Pope as a doctrine unknown to ecclesiastical antiquity and resting only on apocryphal writings, concerning which criticism has pronounced its final judgment. We remain free to declare openly and loyally that we decline to accept the recent Encyclical Letters, and the "Syllabus," which their most intelligent champions are constrained to interpret in opposition to their natural sense and to the well-known intention of their author, and of which the result, if these documents were treated seriously, would be to establish a radical incompatibility between the duty of a faithful Catholic and the duty of an impartial student and of a free citizen. Such are the most salient points on which the schism exists. Every Catholic who has regard for the integrity and dignity of his faith—every priest who has at heart the honesty of his profession—has the right to interrogate the Bishops on these points; and the Bishops are bound to answer, without reticence and without subterfuge. It is this reticence and these subterfuges which have been our ruin; and the time is come to restore to our Church the antique sincerity of early faith, which in these later days has lost its vigour.'

It must be remarked that this is not the appeal of an unknown or insignificant person. It is well for him in his modesty to speak of himself 'as nobody.' But he is the first preacher of the Church of France. He is the man who could attract an audience in the Church of *Nôtre Dame*, such as only *Lacordaire*, if even he, in our time, has attracted within those walls. He is one of the few Frenchmen who, in these times of agonising trial and wild exaggeration, has kept his head clear from the confused distractions which have aggravated beyond all measure the calamities that have fallen on his unhappy country. Neither has he ever lent himself to any of those outrageous attacks on the Church of his fathers which have so often disfigured the protests of those who have, in former times or present, laboured to reform its abuses, or been driven from its ranks.

But to none of his appeals has there been the slightest response from the ecclesiastical authorities either of Rome or of France. The ancient wisdom with which Lord Macaulay credited the Roman system, seems of late years to have deserted it. We doubt now very much whether Ignatius Loyola any more than John Wesley would have found a home under that exacting rule. 'So much the worse for him,' is the exulting cry when anyone leaves them; 'so much the better for us.' The Gospel maxim is reversed; and there is more joy in the

Court of Rome over one heretic that falls, than over the ninety and nine that remain.

But whilst no reply has come from pontiff or bishop—whilst, indeed, from bishops in his own distracted country any action was hardly at this moment to be looked for—there is a quarter which he himself has indicated from which hope may spring, and in which it may be well believed his own impassioned appeal was not without its due effect. He himself may best describe whence this expectation may be realised.

‘By the side of the Protestantism of Luther, Germany has not ceased to cherish a Catholicism not less enlightened, not less honest, not less liberal. It even manifested itself in the Council of the Vatican, by that opposition, triumphant even in its apparent defeat, to which it had given some of its strongest supporters. But it is not in any bishop that this Catholicism is personified; but in a single priest—an old man, still young in heart and mind under the weight of years and experience, a patriarch of German erudition—as it has been well said—but a patriarch of conscience no less; one who, not less great in character than in intellect, compels those to respect who have not learnt to love him. His name is DÖLLINGER.’

What the Père Hyacinthe has been to the Church of France, that in another aspect—but one which well accords with the different character of the two countries—Döllinger has been to the Church of Germany. If Hyacinthe gave pledges of his devotion to the cause of Religion by his monastic austerities, and the consecration of his splendid oratorical gifts to her service, Döllinger gave pledges no less sincere by the slow and gradual process through which he arrived at his present opinions, by the elaborate and learned treatises which he has written in illustration of the history of the faith, by the earnest endeavours which he has made to reconcile science and religion. No one can have visited that simple but well-stored library, abounding in the literature and theology of all nations, in the Frühlingsstrasse at Munich, and witnessed the quiet humour, the unimpassioned judgment, the far-reaching grasp of mind which characterises its calm and courageous occupant, without feeling that in him the Catholic thought of Germany has found a worthy representative. We have ourselves on various occasions cited the wise and liberal maxims of this distinguished theologian. It cannot be doubted that if the open protest of Hyacinthe was the indirect cause of the movement of the French bishops, the more covert operation of Döllinger was the direct cause of the movement of the German bishops. But the year 1871 had found the majority even of these bishops prostrate before the dogma. The Bishop of Mayence,

who during the Council caused to be circulated * a document, bristling with the facts and breathing the spirit of Janus, had not only accepted the decree, but furiously denounced its opponents. The Archbishop of Munich had adopted what a few months before he had declared to be a proposition which no man of sense could believe. Lord Acton had addressed his indignant letter to a German bishop. Here and there a professor† or a priest had lifted up his warning voice. Döllinger still was silent. Yet those who knew his indomitable spirit felt convinced that he was but biding his time. At last the wished-for moment was precipitated by the Papal Court itself. The 15th of March—the Ides of March 1871—it may be hardly less fatal to the ecclesiastical, than the first was to the Imperial, Cæsar—was fixed for the day when the submission was to be made. The day came but not the submission. And in place of it was at last published the now famous letter to the Archbishop of Munich, in which, in the most precise and guarded, yet unequivocal language, the Professor gave five distinct reasons—patristic, historical, literary, theological, and patriotic—why the dogma cannot possibly be accepted, and concluded with these memorable words:—

‘As a Christian, as a theologian, as a historian, and as a citizen, I cannot receive this doctrine. Not as a Christian, for it is incompatible with the spirit of the Gospel, and with the clear words of Christ and his apostles. It wishes to claim that empire over the world which Christ refused, and that dominion over the people which Peter forbade to himself and all others. Not as a theologian, for the whole genuine tradition of the Church is irreconcilably opposed to it. Not as a historian can I receive it, while I know that the determined efforts in past times to realise this theory of world-dominion have cost Europe streams of blood, devastated and destroyed whole countries, annihilated the beautiful structure of the old Church, and been the occasion of the worst ecclesiastical evils. Finally, as a citizen, I must reject it; because by its claims for the subjection of states and monarchs, and the entire political order, to the papal power, and because of the high place which it demands for the clergy, it lays the foundation for endless discord between the State and the Church, between the clergy and the people. I cannot conceal from myself that this doctrine, by which the old German Empire was destroyed, if it should be received generally by the Catholic part of the German nation, would thus plant the germ of disease and decay in the Empire that has been recently built up.’

* It is the first of the curious series of ‘*Documenta ad illustrandum Concilium Vaticanum*,’ collected by Professor Friedrich.

† We would not be understood as undervaluing the services of such men as Friedrich, Huber, and Froschammer; but they would themselves doubtless acknowledge the pre-eminence which we have here assigned to Döllinger.

This noble protest has been followed on the part of the Archbishop by the 'Greater Excommunication,' and on the part of Döllinger by a dignified, but silent maintenance of his position, in which he carries with him the sympathy and support of the whole of educated Germany.

Here, for the present, we leave him.* What fate is in store for him or for his French fellow-worker, time only can show. When the pitfalls on the right hand and the left are so numerous and so treacherous—when on that steep and narrow path so many have stumbled and fallen—it would be rash in the highest degree to forecast even their individual future—much less their ultimate success. We can but build our hopes on what each has already done—on the acknowledged goodness of their cause—on the chances that the ecclesiastical world may recognise the great opportunity thus opened before it. There has been in Germany a movement of the Catholic laity in behalf of the higher and truer view of Christianity far more pronounced than anything which has occurred, or than, we fear, is likely to occur in France. Whether the German and Hungarian bishops, who by every feeling of honour and truth are bound to adhere to their words in the Council, will repudiate them now—whether the clergy will rally under their true leader in the Professor of Munich, or their official leader in the Bishop of Mayence—whether the French hierarchy will sacrifice the interests of their reviving country to the party-spirit of their order—remains to be seen. But not the less will the two most eminent ecclesiastical names in connexion with the Vatican Council remain—Hyacinthe and Döllinger. Their position may be difficult, but it is not untenable. They are not more at variance with the usages or decrees of Pope or Council than many a devout Catholic was in the middle ages, or in Austria under the rule of Joseph II., or in France under the influence of Gallicanism. To maintain the rights and discharge the duties of a Reformer within a national or ancient Church is a far more arduous task than to found a Puritan or a Freethinking sect; but it is, partly on that very account, far more fruitful, far more Christian. Doubtless those who undertake a work like this will fall into occasional mistakes, of which their adversaries will make the very most. But such mistakes are as nothing compared with the deliberate falsifications and unworthy com-

* The last exposition of his view is contained in the document signed by himself and his friends in the '*Allgemeine Zeitung*,' June 13, 1871.

promises which are too often condoned in the high places of the Church, merely because they are found with the fashionable and the successful party.

After all, the question must ultimately rest with the laity, and with that portion of the laity which is at once the most powerful and the most genuine representative of the lay sentiment—the Governments of Europe. It is well known that the Vatican Council itself was swayed to and fro by the influences of the great Catholic Powers; and it is said that one of its most important canons was modified at the dictation of the Protestant Court of Prussia. And unquestionably it is one of the grandest problems still left in the hands of those sovereigns and ministers whose interest it must be, alike in the cause of patriotism and of civilisation, to guide the religious feeling of their respective states into channels where it will be an element of enlightenment and peace, not of darkness and discord. Such a part was not forgotten by the great German princes of former years—by the Protestant Electors of Saxony and Brandenburg—by the Catholic Emperors, Ferdinand I., Maximilian II., and Joseph II; by Gustavus Adolphus of Sweden, by Elizabeth and Cromwell of England, by St. Louis in the ancient and chivalrous days of France. Such a part may still in its measure be played by those who at this moment occupy—in at least some instances with striking ability and foresight—the high places of Prussia, Austria, Baden, and Bavaria. To forward, whether from indifference or superstition, the Ultramontane party at this moment, is to sow the wind and reap the whirlwind. To give, we do not say favour, but justice, to those theologians and ecclesiastics who are struggling single-handed to express what thousands feel, is to cast bread on the waters which assuredly after many days will return again to the State no less than in the Church.

VI. There is one more question which this eventful history suggests. On the same day—the 18th of July—as that on which the decree of Infallibility was declared at Rome, the declaration of hostilities between France and Germany was definitively confirmed at Paris. ‘The war broke out,’ to use the striking figure of Père Hyacinthe, ‘like the thunderclap which burst over the Vatican in reply to the promulgation of the impious dogma.’ The coincidence was indeed fortuitous, but the political catastrophe had a close bearing in more ways than one on the ecclesiastical revolution. For the moment, no doubt, it was a clear gain to the Papal party. Under the pressure of that terrible convulsion, in the presence of which all other interests

were hushed and receded into the background, it was impossible for the opponents of the dogma to secure that hearing for calm discussion by which alone its intrinsic defects and excesses could be laid bare. Under the cover of that horror of great darkness which overspread the nations, the supporters of the dogma had the opportunity of silently pressing its acceptance with a success which, in the full noonday of ordinary publicity, would have been next to impossible. For this reason, in great part, the two protests of Hyacinthe passed almost unnoticed; for this reason, probably, Döllinger waited till he could obtain a favourable hearing from sovereigns and from peoples. So far it was not without some ground that the advocates of the new doctrine claimed a Providential interference in its favour. But when we look a little below the surface, we shall see that this was a victory won at a more than doubtful cost, and with a more than doubtful result.

Let us for a moment look back at the Sovereign Pontiff as he stood on that 18th of July, invested, as he and those about him believed, for the first time beyond doubt, with the divine attributes of the infallible teacher of mankind. Surely if ever there was a time when the new Teacher might have been expected 'to speak *ex cathedrâ* in discharge of the office of 'pastor and doctor of all Christians by virtue of his supreme 'apostolic authority in things which belong to faith and morals,' it would have been in a crisis when two great Christian nations were about to engage in deadly conflict, and when it is certain that a moral effect of an unusually grave kind would have been produced by a decree of censure or excommunication launched against the aggressor in this conflict—such as on much less momentous occasions the same Pontiff had launched against princes who had infringed on his own personal rights. Or, if such a measure had been deemed too extreme for the Father of Christendom to have adopted even towards the crimes or errors of his eldest son, at least it might have been thought that the Supreme Judge of the government of the world should have had enough of infallible discernment to declare in what points one or both of the contending sovereigns had transgressed the divine law of Christian morals. But instead of a voice to hush the storm or to condemn the guilty, there was an absolute silence, or a silence, if not absolute, yet broken only by ambiguous declarations which threw no light on the rights of either side; it has been even reported, by a covert impulse given to the aggressive party in the hope of humbling the great Protestant power in the North of Germany.

The Infallible oracle was put to the test on the very day of its creation, and signally failed.

And there was a yet further infringement of its reputation for unerring sagacity involved in the next stage of this very war. If there had been any one point on which the Pope and his admirers laid stress in the Papal declarations which the decree of July 18 had at once elevated to the rank of divine and immutable laws, it was the indispensable necessity of the civil principedom to the maintenance of the Pope's spiritual authority. Within two months of the conversion of the doctrine of the Pope's temporal sovereignty into an article of the Christian faith, the chief support of that authority—the French garrison—was withdrawn in consequence of the very act of aggression which the Pope himself, if he did not encourage, did nothing to prevent; and yet further, the French Empire itself, on whose protection the Pope had hitherto reposed, was humbled in the dust by the first Protestant Power on the Continent, and his regal sovereignty has since been limited to the palace of the Vatican, in which, according to his own statement, he is now no longer a king but a prisoner. This is not the place to discuss the rights and wrongs of the Temporal Power in itself. No doubt the Roman people were justified in claiming a voice in the choice and reform of their own government, or at least in refusing to have a ruler imposed upon them by foreign troops. But with this important exception, the Papal principedom has never seemed to us a serious grievance. Nor is it in fact easy to strike the balance of advantages or disadvantages which it brought either to the city of Rome or to the true interests of Catholicism. It is impossible not to feel a natural desire that at least one spot in Europe should have been preserved unlike the rest of the world—the home of strange ecclesiastical customs, and of poetic and artistic ruins; a natural regret that such a spot should, by the artificial process of a sudden annexation, be converted into the commonplace capital of a kingdom of yesterday. Nor are we without apprehension lest—especially in view of the reckless and unstatesmanlike concessions made to the ecclesiastical authorities by the Italian Government—the so-called spiritual, which is but another and more oppressive form of the temporal power of the Pope, will in fact be greatly increased by the loss of some of the moderating checks, which were of necessity involved in his regal position, as well as by the actual augmentation, as now proposed, of his ecclesiastical privileges. Still less can we venture to see in the recent revolution a fall of the Papacy itself, or of the power of Catholic Christianity of which it is the centre. It is (if our ultra-Protestant and ultra-Papal friends will allow us to say so) simply the close of the last of a series

of mixed sovereignties, which a hundred years ago were exceedingly common, but which have since become exceedingly rare. The Prince Bishop of Rome was merely one, although the greatest, of a class which formerly contained the Prince Archbishops of Mayence, Cologne, and Treves, the Prince Bishops of Liège, Salzburg, Osnaburgh, Breslau, Durham, and many more of the same kind. They have almost all passed away; and, however much we miss the quaint anomaly, we can hardly regard it as the indispensable or even peculiar characteristic of the See of Rome, much less of the Catholic Church.

But whilst thus fully acknowledging, in fact pleading, the intrinsic insignificance (comparatively speaking) of a change which, after all, leaves the Pope with an amount of power, wealth, and freedom which is equal to that of more than one of the small lay sovereignties of Europe, it is an event of no slight ecclesiastical importance, when considered in reference to the view taken of it by the Pope himself and his advisers in the light of the recent dogma. What he and his chief organs have declared solemnly to be an indispensable condition, not only of Roman Christianity, but of Christianity itself, cannot be diminished or destroyed without a confession of weakness and fallibility which will become a fresh difficulty, in addition to the already accumulated mass of 'the facts of history, in the face of which' the modern Catholic theologian 'finds it difficult to defend' the assertion of the Pope's infallibility.

It is impossible, not to ask, what, under the double change which the Papal office has thus undergone in a single year, is likely to be its future destiny? By the time that these pages have seen the light, Pius IX. will, if his strong frame and hereditary longevity are proof against the force of ancient tradition, have outlived the term of twenty-five years allotted by Roman legends, and as yet fixed by Roman experience, as the limit beyond which no Pope has occupied the Papal chair. But however long his life may be spared, we cannot but cast a glance at the future, and ask what may be in store for the great institution which will be inherited by the successor, who cannot be very far distant in the coming years. It is the peculiarity of an institution thus varied in its history, complex in its associations, comprehensive in its aims, that it leaves itself open to influences and to characters which may indefinitely mould it for good or evil in each succeeding generation. Such is Monarchy. Such is Episcopacy. Such is the strange compound of both which we call the Papacy. It once chanced that an English traveller, in a long evening spent on the heights of Monte Casino, was conversing with one of the charming in-

mates of the ancient home of St. Benedict, who was himself, like most of his order in Italy, opposed to the temporal power of the Pope. The Protestant Englishman ventured to ask the liberal-minded Catholic—"How do you forecast the possibility of the accomplishment of your wishes in the face of the steadfast opposition of the reigning Pontiff and the long traditional policy of the Roman Court?" He replied, "I console myself by looking back at the history of the Papacy. I remember that St. Peter came to Rome a humble fisherman, without power, without learning, with no weapon but simple faith, and his life in his hand. I remember next that when the barbarians came in, and the European monarchies were founded, there came a man as unlike the St. Peter as can possibly be conceived—of boundless ambition, of iron will—Hildebrand, who alone was able to cope with the difficulties of his situation. Then came the Renaissance, classic arts, pagan literature; and there arose in the midst of them Leo X., as their natural patron, as unlike to Hildebrand as Hildebrand to St. Peter. Then came the shock of the Reformation—the panic, the alarm, the reaction—the Muses were banished, the classic luxury was abolished, and the very reverse of Leo X. appeared in the austere Puritan, Pius V. And now we have Pius IX. . . . And in twenty or a hundred years we may have a new Pope, as unlike to Pius IX. as Pius IX. is unlike to Pius V., as Pius V. was unlike to Leo X., as Leo X. was unlike to Hildebrand, as all were unlike to St. Peter; and on this I rest my hope of the ultimate conciliation of Rome and Italy, of Catholicism and freedom."

Such, or nearly such, was the consolation administered to himself by the genial historian of Monte Casino; and such, taken with a wider range, is the consolation which we may minister to ourselves whilst lamenting the follies and extravagances which it has been our duty to record in an institution which, with all its failings, cannot but command a large share of religious and philanthropic interest. There can be no question that a single individual, fully equal to the emergency, who should by chance or Providence find himself in that (or any like) exalted seat, might work wonders—wonders which, humanly speaking, could not be worked, even by a man of equal powers, in a situation less commanding. There is a mediæval tale quoted, we think, by Blackstone, which has even some foundation in fact,* that a certain Pope was once accused before

* The story is founded on the deposition of Gregory V. In the real story the Council was not a General, but a Provincial Council; the

a General Council on the charge of heresy. He was condemned to be burned; but it was found that the sentence could not be legally carried into execution but with the consent of the Pope himself. The assembled Fathers went to the Pope—*venerunt ad Papam*—and presented their humble petition—*et dixerunt, O Papa, judica te cremari*; and the Pope was moved to pity for the inextricable dilemma in which the Fathers were placed. He consented to their prayer. He pronounced judgment on himself—*et dixit, Judico me cremari*; and his sentence was carried into effect—*et crematus est*—and then in reverential gratitude for so heroic an act of self-denial he was canonized—*et postea veneratus pro sancto*. Such, although with a more cheerful issue, might, we contend, be the solution of the present entanglement by some future Pope. We have but to imagine a man of ordinary courage, common sense, honesty, and discernment—a man who should have the grace to perceive that the highest honour which he could confer on the highest seat in the Christian hierarchy, and the highest service he could render to the Christian religion, would be from that lofty eminence to speak out to the whole world the truth, the whole truth, and nothing but the truth. Such an one, regarding only the facts of history, but in the plenitude of authority which he would have inherited, and ‘speaking *ex cathedrâ*, in discharge of his ‘office of pastor and doctor of all Christians,’ might—and if he were the kind of person we suppose would—solemnly pronounce that he, his predecessors, and his successors, were fallible, personally and officially, and might err, as they have erred again and again, both in faith and morals. By so doing he would not have contradicted the decree of July 18, 1870, more than that decree contradicts the decrees of previous councils and the declarations of previous Popes. By so doing he would incur insult, obloquy, perhaps death. But like the legendary Pope of whom we have spoken, he would have deserved the crown of sanctity, for he would have shown that quality which above all others belongs to saints in the true sense of the word. He would have risen above the temptations of his situation, his order, his office; he would have relieved the Catholic Church from that which its truest friends feel to be an intolerable incubus, and restored it to light and freedom. If, according to the ancient prediction * of Archbishop Malachi, Pius IX. has

Pope's crime was not heresy, but simony; the sentence pronounced was not death, but deposition.

* The ‘Prophecies of St. Malachi’ are ascribed to the archbishop of

fulfilled the motto of *Cruz de cruce*, 'cross upon cross, trouble upon trouble, entanglement upon entanglement,' the next Pope, according to the same prophecy, is to be *Lumen de celo*; and surely it is not in itself too much to imagine that one such Pope as we have ventured to suggest—one man of sense, courage, and honesty—might be found; and that if he were found, he would indeed be a light from heaven to an horizon which in proportion as it is now dark with an unwonted blackness, would welcome even the faintest dawning of better things. Such an expectation may be chimerical; but there are too many interests bound up in the destinies of the Roman Church to allow us to abandon it without a struggle. And, therefore, stormy as is the history which we have had to describe, we cling to the expression of hope—inspired, if not actually composed by the murdered Archbishop of Paris—that 'the excess of evil will provoke the return of good. The Council of the Vatican will remain sterile. . . . But it will have revealed, not only to what a point the best institutions and the best instincts can be turned by the spirit of despotic authority, but also it will have shown the value of the right cause, even when it has but a few to defend it. The Spartans who fell at Thermopylæ to guard the land of liberty, prepared against the forces of tyranny the crowning defeat of Salamis.'

ART. VI.—*Dictionnaire critique, littéraire et bibliographique des principaux livres condamnés au feu, supprimés ou censurés.* Par G. PEIGNOT. Paris: 1806.

THE history of the books which have been suppressed or censured in England is curious and interesting; and although we have no book in our language which rivals the Dictionary of literary martyrdom, published in France at the commencement of the present century by M. Peignot, we have collected some materials on the subject which may interest our readers.

The burning of heretical books is by no means, as might be supposed, a Christian invention. It is questionable whether the writings of Protagoras were really destroyed at Athens

that name, who occupied the See of Armagh in the twelfth century. They were really composed in the sixteenth century, and contain a series of mottoes supposed to designate the successive Popes from that time till the end of the world.

for their atheistical tendencies, but the existence of the report shows that the idea, at all events, was not alien to Greek sentiment, and the judicial murder of Socrates is a proof that the State was no stranger to the worst acts of intolerance. The destruction of Christian books formed part of heathen persecution; Diocletian, especially, in A.D. 303 ordering all such writings to be surrendered to the magistrates and committed to the flames. To Osius, Bishop of Cordova, the friend of Athanasius and Constantine, is ascribed the introduction of the practice among Christians. It was probably by his advice that the Emperor commanded all the writings of Arius to be burnt, and anyone found in possession of them after the publication of the edict to be put to death. In 435 an Armenian Council ordered the destruction of the writings of Nestorius, whilst the Constantinopolitan one of 680 showed the same marks of attention to those of the 'infallible' Pope Honorius.

Various devices were employed in England for the repression of heresy and false teaching. At first it was altogether a question of Church discipline, the bishops having sole jurisdiction in such cases; the punishments also were ecclesiastical—penance and excommunication. But in 1382 the State began to interfere. The occasion arose from the dangerous doctrines Wyclif had set afloat on the subject of property—Wat Tyler's insurrection being an illustration of the extremes to which the Lollards were carrying that teaching. The insurrection itself began, indeed, upon other grounds, nor does it seem that Wyclif himself was in any way concerned with it; but Friar John Balle, whose famous text at Blackheath was,

‘When Adam dalve and Eave span,
Who was then a gentleman?’

confessed before his death that he had been for two years a pupil of Wyclif, and had no doubt derived thence, in part at least, his revolutionary principles. The bishops had no longer the power to suppress these inflammatory doctrines, for the preachers of them kept moving from one diocese to another, and denied at the same time the jurisdiction of the Ecclesiastical Courts. Parliament accordingly passed an Act, directing the authorities ‘to arrest all such preachers, and to hold them ‘in arrest and strong prison, till they will justify themselves ‘to the law and reason of Holy Church.’ Still the mischief continued, and in 1401 a far more severe Act was passed, so well known as the Act ‘*de hæretico comburendo*.’

The ‘protomartyr of Wyclifism,’ as Dean Milman calls

him,* was W. Sawtree, at one time the priest of St. Margaret's, in King's Lynn, but then a preacher at St. Osyth's in the city of London. Before coming to London he had been convicted of denying transubstantiation, a circumstance which, on his second trial, he had the audacity to say had never occurred. He was condemned as a relapsed heretic, and handed over to the civil authorities.

'Sawtree,' says Dr. Shirley,† 'is usually spoken of as the first victim of the statute *de hæretico comburendo*. But it is remarkable that the writ for his execution appears on the Rolls of Parliament before the Act itself. This order may be merely a matter of arrangement, but it is observable that if the Act had been already passed, the writ would have been issued, as a matter of course, to the sheriff, and would never have appeared on the Rolls at all. It appears probable therefore that Sawtree suffered under a special Act, proposed perhaps by the clerical party in order to ascertain the feeling of Parliament as to the larger measure that followed.'

The last instances of the execution of heretics occurred in 1612, when Bartholomew Legate was burnt at Smithfield for holding opinions very similar to those of the Unitarians of our own day—a like punishment being given that same year to Edward Wightman, at Litchfield, for holding no less than nine 'damnable heresies.' Popular feeling, however, seems to have become so strong upon the subject, that this method of repressing false doctrine was never resorted to again.

The book against which the most unceasing crusades were made was the English translation of the Bible. Ten years after Wyclif had finished his translation, in 1380, an attempt was made in the House of Lords to pass a bill for suppressing it. On that occasion, however, John of Gaunt, Duke of Lancaster, stoutly declared that he would 'maintain our having 'this law in our own tongue, whoever they should be that 'brought in the bill,' and the attempt failed for the time. Afterwards, however, the reading or possession of that version was made a capital crime, and there are many instances on record where the extreme punishment was inflicted.

On December 2, 1525, Edward Lee, afterwards Archbishop of York, writes to the King from Bordeaux, telling him that 'An Englishman, your subject, at the solicitation and instance 'of Luther, with whom he is, hath translated the New Testament into English, and within a few days intendeth to return

* History of Latin Christianity, vol. viii. p. 211, 3rd ed.

† Pref. to Fasciculi zizaniorum Magistri Johannis Wyclif cum tritico, in Rerum Britannicarum mediæ ævi Scriptores. (London: 1858.)

'with the same imprinted into England.'* The Englishman was Tyndal, and his translation the first ever printed in English. Two editions apparently were struck off in 1525—the first at Cologne, the second at Worms, and a third at Antwerp in 1526. Of the first, a fragment of thirty-one leaves in the Grenville Library is the only one known; of the second, a perfect copy except the title is in the Baptist Museum, Bristol; of the third, no copy is known to exist. The earliest had a narrow escape from destruction before leaving the printers. Cochlæus tells us in his 'History of Martin Luther' that, whilst at Cologne superintending the printing of the works of Abbot Rupert, he had information that two Englishmen were bringing out a work that would convert all England to Lutheranism. By inviting the printers to his lodgings and plying them with wine, he extracted from them the intelligence that the book was the New Testament. He gave immediate information to one of the Cologne magistrates, and had the office searched. But Tyndal and his companions had taken the alarm, and carried off the sheets, which had been printed as far as signature K, the edition consisting of 3,000 copies. It had marginal notes and a prologue, the Cologne one containing the text only.

Hearing of these proceedings, the English bishops took immediate action, and subscribed among themselves to purchase as many copies as possible, especially of the Antwerp edition, Archbishop Warham being apparently the prime mover in the matter, though Tonstall, Bishop of London, was the means of its being carried out.† The details will be found in Foxe. A large number of copies were secured, and on Shrove Sunday 1527, there was a grand demonstration at St. Paul's, and the offending volumes were solemnly committed to the flames, Fisher, Bishop of Rochester, preaching the sermon on the occasion.‡

This burning is alluded to in a very scurrilous publication which appeared probably soon afterwards, though the date of its appearance is very uncertain, called

'Rede me and be nott wrothe,
For I saye no thyng but trothe,'

the authorship of which is usually attributed to W. Royle, a friar observant of the Franciscan order at Greenwich. It consists mainly of a ribald attack upon the 'eaytyfe' Wolsey, who spared neither pains nor expense to destroy the work. In

* Ellis's Letters, 3rd Ser. vol. ii. p. 71.

† Froude, vol. ii. p. 42, note.

‡ Ibid. pp. 43-45.

1546 a second edition, considerably altered, was published by Jerome, a friend of Roye, in which the abuse of the Cardinal was transferred to the Romish bishops in general. Perhaps not more than half a dozen copies of the original edition are in existence; one of these is in the Grenville Library in the British Museum.

In June 1530, the King took the first public notice of these translations, incited no doubt thereto by a memorial of the House of Commons which declared that the Acts against errors given by occasion of frantie seditious books compiled, published, and made in the English tongue were badly administered and required more strict laws to be made. Accordingly, he issued a proclamation, a copy of which was discovered some years ago in the Chapter House at Westminster, in which every person 'whiche hath the new testament or the olde translated in to Englysshe, or any other boke of holy Scripture so translated, beyng in printe, or copied out of the boke now beinge in printe,' is commanded to give them up within fifteen days, 'as he wyll avoyde the Kynges high indignation and displeasure.' Bishop Stokesley presided at the burning of the Bibles on this occasion.

The first version of the Bible 'set forth wyth the Kynges most gracious licence' was that of Coverdale, but it soon was practically superseded by that issued by 'Matthew' and revised by Cranmer, but based upon that of Tyndal. The question, however, about the version was finally settled by a proclamation, issued July 8, 1546, which orders that 'no man, woman or person of what estate, condition, or degree soever they be, shall after the last day of August next ensuing receive, have, take, or keep in his or their possession the text of the New Testament of Tyndal's or Coverdale's translation in English, nor any other than is permitted by the Act of Parliament, made in the Session of Parliament holden at Westminster in the 34th and 35th year of his Majesty's most noble reign.'

When the Scriptures were no longer interdicted, printers themselves began to supply only too satisfactory reasons why many of their editions should be suppressed. In the year 1631 in a Bible and Prayer Book printed by R. Barker and the assigns of John Bill, the word 'not' was omitted in the seventh commandment. An omission of precisely the same character is to be found in a German Bible printed at Halle in 1731. This discovery led to a further examination of the edition, which Laud* tells us brought to light not less than 1,000 mis-

* Works, vol. iv. p. 165. Oxford edition.

takes in this and another edition of these printers. They were cited accordingly before the High Commission, fined 2,000*l.* or 3,000*l.*, and the whole impression destroyed. Two copies, however, were known to the late Mr. G. Öffor, one of which was about to be sent to America; another is in the Bodleian.

A story told about Dr. Usher illustrates very forcibly the extent to which ignorant and inefficient men must have been employed in correcting the press. The Bishop of Armagh 'one day hastening to preach at Paul's Cross, entered the 'house of one of the stationers, as booksellers were then called, 'and, inquiring for a Bible of the London edition, when he 'came to look for his text, to his astonishment and horror he 'discovered that the verse was omitted in the Bible! This 'gave the first occasion of complaint to the King of the in- 'sufferable negligence and incapacity of the London press, and, 'says the manuscript writer of this anecdote (Harl. MS. 6395), 'bred that great contest which followed between the University 'of Cambridge and the London stationers about the right of 'printing Bibles.'†

One cannot help contrasting this negligence with the care employed over that rare treasure, Coverdale's Bible of 1535, where the reader's attention is called to a 'faute escaped in 'prynting the New Testament. Upon the fourth leafe the 'first syde in the sixth chapter of St. Matthew, "seke ye first "the kingdome of heaven," read "seke ye first the kingdome "of God." A New Testament, however, a revision of that translation, printed by J. Nicholson in 1538, was found to be so full of errata that Coverdale ordered the printer to recall as many copies as possible and destroy them. The edition consequently is a very rare one now.

The word 'not' was again omitted in a pearl Bible, printed by Field in 1653; 1 Cor. vi. 9, reads, 'Know ye not that the 'unrighteous shall inherit the kingdom of God.' Strange, indeed, must be the perversity that could take advantage of so manifest an error. Yet Kilburn, in a little book to be mentioned presently, declares, 'This is the foundation of a damn- 'able doctrine; for it hath been averred by a reverend Doctor of 'Divinity to several worthy persons that many libertines and 'licencious people did produce and urge this text from the 'authority of this corrupt Bible against his mild reproofs, in 'justification of their vicious and inordinate conversation.' The printer was examined before the sub-committee for religion of the House of Commons, and acknowledged that he had

* Disraeli's *Curiosities of Literature*, vol. iii. p. 428. Ed. 1863.

printed off 2,000 copies. The committee, however, succeeded in securing no less than 7,900 copies. Another of Field's Bibles printed at Cambridge in 1638, contained a famous alteration of the original text. Acts vi. 3, was made to run thus, 'whom *ye* may appoint.' It was said that the Independents bribed the printers for the sum of 1,500*l.* to make the alteration. The report, however, is most improbable, and appears to rest on no good authority. Of another edition, 'printed in King Charles's time,' Noye says in his 'Defence of the Canon of the New Testament' (p. 86), that Psalm xiv. 1, was, 'The fool hath said in his heart, there is a God'; he adds that the printers were fined 3,000*l.*, and all the copies suppressed. An opposite error occurs in Dr. Conquest's edition of the Bible, 'with 20,000 emendations,' (Lond. 1841), where Job v. 7, is, 'Man is not born to trouble as the sparks fly upwards.'

Kilburn had then only too many reasons for the pamphlet he published in 1659, entitled 'Dangerous Errors in several late printed Bibles, to the great scandal and corruption of sacred and true religion.' He describes it as 'an animadversion to all good Christians of this Commonwealth, discovering among many thousands of others, some pernicious, erroneous, and corrupt erratas, escapes and faults, in small impressions of the Holy Bible and Testament, within these late years, commonly vented and dispersed, to the great scandal of religion, but more especially in the impressions of Henry Hills and John Field.' The suppression of the office of King's Printer led, he says, to the importation of impressions from abroad, which were so full of errors that in 1643 Parliament, at the instigation of the Assembly of Divines, destroyed all copies that could be obtained, and forbade all further importations. The assembly desired to find an English printer who would undertake the work; but no one ventured to do so, till Mr. Bentley, of Finsbury, brought out an impression in 1646. In 1655 Hills and Field attempted to monopolise the printing 'by abusing the authority of the State;' but, by Kilburn's account, they were as grievous offenders as any others. After mentioning one of their editions, printed in 1655, which was seized and prohibited, he loses all grammatical propriety in speaking of an edition brought out the following year. 'I am confident, if the number of the impression was (as I am informed) 20,000, there were as many faults therein. . . . It is the worst of all the rest.' The sale of this edition was prohibited by Parliament, but with little effect, as the petty chapmen managed to find customers for them at country fairs and markets.

Of English works committed to the flames before the invention of printing, we must allude, and that briefly, to only one instance, that of Reginald Peacock, the author of 'Precursor,' which Dean Milman characterises as the greatest work, certainly the greatest theological work, which had yet appeared in English prose. In the Dean's 'Annals of St. Paul's Cathedral,' may be read the story, very graphically told, how 'the greatest intellect of his age, the most powerful theologian in England, disgraced himself by miserable cowardice,' in casting his voluminous works with his own hands into the fire.

On June 19, 1520, was issued the Papal bull for the destruction of all Luther's publications. Wolsey declined to enforce it in England, saying it gave him no power to do so; and there is little doubt but that if the Cardinal had been left to himself, none of the cruel proceedings which disgrace the reign of Henry VIII. would have been set on foot. It is in this point he contrasts so favourably with the Lord Chancellor. 'With Wolsey,' says Froude, 'heresy was an error, with More it was a crime.' A special request, however, from the Pope himself to have the bull published in England left him no longer free in the matter. A large number of books accordingly was secured; Wolsey goes in state to St. Paul's; the Bishop of Rochester, at the Pope's command, preaches against Luther, and denounces those who kept any of his writings, and there 'were many burned in the said church-yard of the said books during the sermon.'

Besides the Bibles which were prohibited by the proclamation already mentioned, which was issued in 1530, several other books were laid under similar penalties. Those mentioned by name are: 'The Wicked Mammon,' 'The Obedience of a Christian Man,' 'The Supplication of Beggars,' 'The Revelation of Antichrist,' and 'The Summary of Scripture,' which, 'imprinted beyond ye see, do conteyne in them pestiferous errours and blasphemies, and for that cause shall from hensforth be reputed and taken of all men for books of heresie, and worthy to be dampned and put in perpetuall oblivion.' 'The Supplication of Beggars' was the production of Simon Fish, a student of Gray's Inn. Soon after entering, an interlude was performed, written by a member of the Inn, Mr. Roo or Roe. In it there was a considerable amount of abuse of Cardinal Wolsey, and no one else venturing to play the character to which the abuse was assigned, Fish professed himself ready to do so. That night the Cardinal attempted to apprehend him, but Fish escaped to Germany, where he fell in with Tyndal. It seems to have been soon after this that he

wrote the book. The British Museum possesses a unique copy of what is probably the first edition. Of the other works mentioned, 'The Summary of Scripture' was a translation by Fish from the German. 'The Wicked Mammon' and 'The Obedience of a Christian Man' were by Tyndal. Another of Tyndal's publications was 'The Practyse of Prelats: whether the Kynges Grace may be separated from hys Queene because she was hys brothers wyfe:' 1546. It is often mentioned by Foxe among the books that were forbidden under heavy penalties to be read or possessed. Frith's writings, too, by which Cranmer is said to have been converted, were among the prohibited books.

In 1546, in the proclamation already mentioned, came the sweeping order that no person whatever should possess 'any manner of bookes, printed or written in the English tongue, which shall be set forth in the names of Frith, Tyndal, Wickliff, Joy, Roye, Basil, Bale, Barnes, Coverdale, Turner, Traey, or by any of them; or any other booke or bookes containing matter contrary to the Act made in the year 34 or 35.' All such books are to be delivered to the bishop, chancellor, commissary, or sheriff, who shall cause them incontinently to be burned. The extent to which this order was carried out may be inferred from the fact that four treatises attributed (but erroneously) to Wyclif, printed by R. Redman, in 1527—1532, fetched at Mr. James Dix's sale, in February last, no less than 100*l.* a-piece. In each case the copy was presumed to be unique. The treatises are really parts of a book, a more perfect copy of which is to be found in the Lambeth Library.

A vast number of curious books perished in consequence of 'An Act for the abolishing and putting awaie of diverse books and images,' passed 3rd and 4th Edward VI.

'The Booke of Common Prayer having been set forth, it is enacted that "All bookes called antiphoners, myssales, scrayles, processionales, manuelles, legends, pyes, portuyses, prymars in Lattyn or Englishe, cowchiers, iournales, ordinales, or other bookes or writings whatsoever, heretofore used for service of the church, written or prynted in the Englishe or Lattyn tongue shalbe . . . clerelie and utterlie abolished, extinguished, and forbidden for ever to be used or kepte in this realme or elleswhere within any of the King's dominions." Persons in possession of such books are immediately to give them up to the authorities, who within three months are to deliver them to the archbishop or bishop of the diocese, "to be openlye brent or otherwayes defaced and destroyed." Persons found with such books in their possession after the time specified are, for the first offence, to pay a fine of twenty shillings, for the second, four pounds, and for the third,

to be imprisoned at the King's will. If the civil or ecclesiastical authorities fail to carry out their instructions within forty days, they are to be fined 40*l*.

'Provyded alwayes and be it enacted by thauctoritie aforesaide, that any person or persons may use, kepe, have, and reteyne any prymarys in the Englishe or Lattyn tongue, set forthe by the late Kinge of famous memorie, Kinge Henrie theight, so that the sentences of invocation or prayer to saintes in the same prymarys be blotted or clerelye put out of the same, anie thinge in this Act to the contrarye notwithstandinge.'*

Hearne † believes that the King, if he had lived, would have repented of this extravagant Act, and lays the blame of it on Cranmer.

Only three proclamations were issued by Queen Mary against books: the first of August 18, 1553, which, amongst other things, forbad the *public* reading and interpreting of the Scriptures; the second, June 13, 1555; and the third, June 6, 1558. With reference to the second, in which twenty-three authors are denounced by name, twelve foreign and eleven English, Strype tells us that the occasion of it was a book sent from abroad, called 'A Warning for England,' which put Englishmen on their guard against Spain, and gave information of a plan that was on foot for regaining possession of the lands formerly belonging to monasteries. And, with regard to the last, he gives the following explanation: ‡—

'There was one book indeed that came out this year, which the proclamation might have a particular eye to, viz., Christopher Goodman's book. It was entitled "How superior powers ought to be obeyed of their subjects, and wherein they may lawfully by God's law be disobeyed and resisted; wherein is declared the cause of all this present misery in England, and the only way to remedy the same. Printed at Geneva by John Crispin, mdlviii." The preface is writ by Will Whittingham, then also at Geneva. Though a little book in decimo-sexto, it is full of bitterness, and encourageth to take up arms against Queen Mary, and to dethrone her; and that upon this reason among others, because it is not lawful for women to reign. As it had Whittingham's preface at the beginning of it, so had it William Kethe, another divine at Geneva, his approbation in verse at the end, which verses will show the intent of the book.'

Then follow four verses, the third of which will be enough to quote here:—

* Statutes of the Realm, vol. iv. pp. 110, 111.

† Peter Langtoft's Chronicle, vol. ii. p. 550 (ed. 1810).

‡ Ecclesiastical Memorials, vol. iii. pt. 2, pp. 131, 132.

'A public weal, wretched and too far disgraced,
Where the right head * is off cut and a wrong instead placed :
A brute beast untamed, a misbegotten,
More meet to be ruled than rule among men.

'Such treatment of the Queen as this was did, no question, irritate her much, and provoke her to issue out such angry declarations of her mind and resolutions of taking vengeance of all such-like book-writers and book-readers.'

The proclamation was, indeed, a very strong one; it commands all wicked and seditious books to be delivered up *on pain of death*, without delay, by martial law.

We come now to the reign of Elizabeth, when several works on various subjects were very summarily dealt with. The first we will mention was on a subject that caused great anxiety during this reign, that of the Succession. The doubtful legitimacy of the Queen herself, the testamentary dispositions of Henry VIII. in favour of the children of his younger sister Mary, Duchess of Suffolk, and the claims of Mary, Queen of Scots, as the representative of the King's elder sister Margaret, all concurred to render the question of the future descent of the Crown a subject of most perilous import to those who ventured to discuss it.

One person, however, John Hales, Clerk of the Hanaper, published a book in 1563, entitled 'A declaration of the 'succession of the crown of England,' in support of the marriage and the claims of Lord Hertford's children by the Lady Catherine Grey. The Queen was so angry at its appearance that the author was committed to the Tower, and Bacon himself, the Lord Keeper, who was suspected of having had a hand in its appearance, fell considerably in his mistress's favour.

In 1594, seven years after the execution of Mary Queen of Scots, appeared 'A conference about the next Succession to 'the crowne of England, published by R. Doleman. Im-
'printed at N. with licence.' This work supported the claims of Lord Hertford's second son, or the children of the Countess of Derby, amongst English persons; or, if these are set aside, 'of any one foreyne Prince that pretendeth, the Infanta of 'Spayne is likest to bear it away.' The authors of the book were R. Parsons the Jesuit, Cardinal Allen, and Sir Francis Englefield. The unfortunate printer is said to have been hanged, drawn, and quartered; and the book itself so rigorously suppressed, that it was made high treason to possess a

* Queen Jane.

copy of it. Herbert, however,* contradicts this last assertion. It made little difference, however, which side in the controversy any author might take; the fact of his daring to express his sentiments on the point was a sufficient reason for his being told to hold his tongue. Accordingly, when in 1593, Peter Wentworth published 'A pithie exhortation to her Majestie for establishing her successor to the crown; whereunto is added a discourse containing the author's opinion of the true and lawful successor to her Majesty,' he soon had reason to lament his audacity. A printed slip in the Grenville copy of his book informs us 'Doleman's objections to the succession of James I. were ably refuted in this volume, and the claims of the Scottish King set forth by sound argument; yet for daring to advise his Sovereign, the author was committed to the Tower, where he shortly afterwards died, and his book ordered to be burnt by the hangman.' This last assertion, is, we shall see presently, somewhat questionable.

Whether Elizabeth was ever really in earnest in any of her numerous love affairs, it is impossible to say; but perhaps her first admirer, Thomas Seymour, did succeed in gaining her affections; and it seems hard to believe but that the Earl of Leicester had ample reason for supposing his passion to be returned. There can be no question, however, about her unqueenly behaviour towards some of her suitors, particularly the Archduke Charles in 1564; or again still more unpardonably, the young Duke of Anjou in 1579, when she was forty-six years old. The general belief that this marriage would take place, roused some vehement feelings, which found expression in a book by John Stubbes, 'The discovery of a gaping gulf whereinto England is like to be swallowed by another French marriage, if the Lord forbid not the Banes, by letting her Maiestie see the sin and punishment thereof.' Hallam assures us that the book was 'very far from a virulent libel, and written with great affection.' If so, the author was very unfortunate in the choice of his title. On the 27th of September appeared the proclamation for its suppression, where it is described as a 'fardell of false reportes, suggestions, and manifest lies;' and directions are given that it should be destroyed 'in open sight of some publique officer.' The author himself, and Page the distributor, were brought into the market-place at Westminster, and there had their right hands cut off with a butcher's knife and a mallet. Stubbes took off his cap with his left hand, and cried 'Long live Queen Elizabeth.' On Oc-

* Ames, vol. iii. 1726.

tober 5, 1579, a circular was prepared by the Council to give notice to the clergy and others that the seditious suggestions set forth in Stubbes's book were without foundation, and that special noted preachers should declare the same to the people. Eleven copies of this circular are in the State Paper Office unfinished, some signed, others not fully signed, and some not signed at all; from which it would appear that none were sent, and that the matter dropped.*

Some time before this, on February 25, 1570, Pope Sixtus V. issued his famous Bull against Queen Elizabeth, a copy of which was nailed on the door of the Bishop of London on May 15. The Pope describes her as a bastard and usurper, the persecutor of God's saints, and declares that it would be an act of virtue, to be repaid with plenary indulgence and forgiveness of all sins, to lay violent hands on her and deliver her into the hands of her enemies. Philip of Spain is the rightful King of England, the Defender of the Faith: he is the head of the league formed for her destruction, and Alexander Duke of Parma is commander-in-chief. The Bull was translated into English, and printed in large numbers at Antwerp. At the same time, Dr. Allen, just made a Cardinal, whom the Queen describes as a 'lewd-born subject of ours, now become an 'arehe traitor,' wrote a pamphlet, which she characterises as a 'vile, slanderous, and blasphemous book, containing as many 'lies as lines,' under the direction of the Duke of Parma. This pamphlet was translated into English, and a large edition printed for distribution in England, when the enemy should set foot in it. It was entitled 'An Admonition to the Nobility 'and People of England and Ireland concerning the present 'Wares, made for the execution of His Holines Sentence by 'the highe and mightie King Catholike of Spain.' 'The "Admonition,"' says Mr. Motley,† 'accused the Queen of every 'crime and vice that can pollute humanity, and it was filled 'with foul details unfit for the public eye in these more 'decent days.' A copy of this very rare work is in the Grenville Library.

Along with these was prepared a broadside for yet wider distribution. It was to have been posted up in every conspicuous place if the Armada had been successful. The heading was: 'A Declaration of the Sentence and Deposition 'of Elizabeth the Usurper and pretended Queene of England.' R. Parsons is supposed to have been the author of it. On

* Calendar of State Papers, 1547-1580, p. 634.

† History of the United Netherlands, vol. ii. p. 379. Ed. 1869.

the failure of the expedition the broadside was so studiously suppressed, that its very existence has been questioned. Two copies, however, at least have come down to us—one sold at the sale of Canon Tierney's library in 1862, when it fetched the sum of 31*l.*, the other is in the Bodleian at Oxford. It will be found printed at length in the Canon's edition of Dodd's 'Church History,' vol. iii. At the time when these libels were being prepared for distribution Elizabeth was in negotiation with the Duke of Parma. The Queen naturally requests her Commissioners to inquire of the Duke concerning these publications. The Duke had the effrontery to declare that he knew nothing either of the Bull or the Admonition. At that very time there was lying in his cabinet a letter, received a fortnight before from the King of Spain, thanking him for having had the Cardinal's letter translated at Antwerp.*

In 1578 appeared another book which caused a great sensation. This was 'A Treatise of Schisme, shewing that al 'Catholikes ought in any wise to abstaine altogether from 'heretical Conventicles:' printed at Donay, and written by Gregory Martin, afterwards Professor of Divinity at the English College at Rome. It gave great offence to the Queen and her Ministers, and very naturally, for it invites the ladies about the Queen's person to imitate the example of Judith, in ridding the world of 'Holofernes.' Though printed in 1578, it was not till 1584 that measures were taken concerning it. A copy had been sent by Cardinal Allen to Carter the printer, for a new edition. That very copy, wanting the title-page, is now in the Bodleian. The impression was seized, and Carter himself arraigned at the Old Bailey for printing it, and the next day hanged at Tyburn.

Among the many sects which troubled the Church of England in those days was that of the Brownists, whom Dr. Hook regards as the original Independents. Their founder, Robert Brown, of C.C.C., Cambridge, came back from a journey to Zealand so convinced of the Popish tendencies of the Church of England, as to declare there was nothing of Christ left in her discipline. The books and pamphlets in which his doctrines were set forth were prohibited by a proclamation, issued October 1584; and there is little doubt but that he would have shared the fate of two of his disciples, who were hanged at Bury St. Edmunds for distributing these suppressed publications, had he not been, fortunately for himself, a relation of Lord Burleigh.

* Motley, vol. ii. p. 386.

Another sect which fell under the Queen's displeasure was the Family of Love. The original founder of this ancient Agapemone was a Dutch Anabaptist, born at Delft, called David George; but the person who gave it its definite form and character was Henry Nicolas, or Nicolai, a native, as some say, of Munster, and others of Amsterdam, who resided for some time in London in the reign of Edward VI. His pretensions were quite as blasphemous as his master's. He gave out that he could 'no more erre or mistake the right than 'Moyse, the prophets, or Christe and his Apostles, and that 'his books were of equal authority with Holy Scripture itself. 'Moses, he said, taught mankind to hope, Christ to believe, 'but he to love, which last being of more worth than both the 'former, he was consequently greater than both those prophets.' Attention had been called to their teaching in a book by I. Rogers, published in 1572, called 'The Displaying of an 'horrible Seete of grosse and wicked Heretiques, naming 'themselves the Family of Love;' and again by two authors in 1579, W. Wilkinson and I. Knewstub.

Little notice, however, was taken of them till 1580, although in 1575 they had applied to Parliament for toleration, and accompanied their application with a 'confession of faith,'—a curious document, no doubt, which we hope may be discovered by the Historieal Commission. What answer was returned to their appeal we cannot tell, but five years afterwards a proclamation was issued against them, which, if the description given of them therein was at all just, was certainly not uncalled for. They are charged with teaching 'damnable heresies, 'directly contrary to divers of the priniepal artieles of our 'belief and Christian faith,' and that 'as many as shall be 'allowed by them to be of that family to be elect and saved, 'and all others, of what church soever they be, to be rejected 'and damned.' A still more serious charge is 'that those 'Sectaries hold opinion that they may, before any magistrate, 'ecclesiastical or temporal, or any other person, not being professed to be of their sect, by oath, or otherwise, deny any- 'thing for their advantage.' Accordingly orders are given to proceed severely against all such persons, and also that 'search 'be made in all places suspected for the books and writings 'maintaining the said heresies and seets, that they may be 'destroyed and burnt.' Some of these books are specially mentioned, 'the author whereof they name H. N., without 'yielding to him, upon their examination, any other name,' 'Evangelium Regni or the Joyful Message of the Kingdom,' reprinted by sentences in Knewstub's book, which he an-

swers one by one, 'Documentall Sentences,' 'The Prophetie of the Spirit of Love,' and 'A Publishing of the Peace upon the Earth.' Rogers mentions eleven works of Nicolas which he had seen, besides two others he had not been able to get a sight of. In 1604 they made an attempt at clearing themselves in a petition to James I., in which they ask the King to read their books and judge for himself, and by no means to confound them with the disobedient Puritans 'whose malice has for twenty-five years and upwards, with many untrue suggestions and most foul errors and odious crimes, sought our overthrow and destruction.' As far as public opinion went, the petition met with but poor success. Fuller, in whose time they went by the name of Ranters, is mightily amused at their anxiety to be separated from the Puritans, 'though these Familists could not be so desirous to leave them as the others were glad to be left by them.' One of the latest accounts of them will be found in the third volume of the Harleian Miscellany.

The ecclesiastical government of the Church of England was a subject of long and bitter controversy. In 1571 there was published a tract in duodecimo called 'An Admonition to Parliament.' It had no title-page and was no doubt printed at a private press. At the end of the second address to the Christian reader are 'reasons which have made us, the authors of these treatises, to kepe back our names, and also to suppress the name of the printer of them.' The authors were most probably the Puritan divines John Field and Thomas Wilcox. The tract was frequently reprinted, and in 1572 Field and Wilcox presented a copy to the House of Commons and were immediately committed to Newgate. The original tract is of great rarity owing to a proclamation issued June 11, 1573, in which the admonition itself and 'one other also in defence of the sayde admonition' are commanded to be delivered up 'on payne of imprysonment and her highnesse further displeasure.'

Of the controversial publications, however, of the time of Elizabeth, none are more famous than the series of tracts known by the name of the Martin Marprelate tracts. They need only be alluded to very shortly here, as we have a very complete history of them in the work of Mr. Maskell.* The list given by him comprises, including certain replies, eighteen different publications, all now of great, some of excessive rarity.

* A History of the Martin Marprelate Controversy in the reign of Queen Elizabeth. London: 1845.

On February 13, 1589, the Queen issued a proclamation against seditious and schismatical books; and one person, John Penry, was arrested as being concerned in their publication, under a constrained interpretation of the Act passed a few years before (anno 23 Eliz. c. 2), which made the publication of seditious libels against the Queen's government a capital felony. Nothing, however, could be proved against him, and after a month's detention he was discharged. Who were the real authors will perhaps never be ascertained, though the late Mr. Petheram thought he had a clue to their discovery, which, however, as far as we know, he never made public. Mr. Maskell tells us they have usually been attributed to Penry, Throgmorton, Udal, and Fenner; but he confesses that after all his inquiries the question remains as obscure as before, and thinks that it is very far from clear that either one of these last named was actually concerned in the authorship of any of the pamphlets. Udal before the Star Chamber declared himself fully persuaded that they were not written by any Puritan minister, and 'I think,' he says, 'there is never a minister in this land that doth know who Martin is. And I for my part have been inquisitive, but I never could learn who he is.' Udal, indeed, could hardly have had a hand in any of the tracts except the earliest. In 1588 he had published anonymously a book called 'A demonstration of the truth of that discipline which Christ has prescribed in his Worde for the government of his Church in all times and places until the world's end.' He was cited before the Star Chamber on the charge that 'he not having the fear of God before his eyes, but being stirred up by the instigation and motion of the devil, did maliciously publish a slanderous and infamous libel against the Queen's majesty, her crown and dignity.' The evidence of his authorship was not very strong, but his judges attempted in every possible way to make him criminate himself. Time after time he was asked, 'Did you make the book, Udal, yea or no?' Imperfect, however, as was the evidence he was condemned to be hanged, and probably would have been but for the intercession that King James of Scotland made for him with the Queen. Meantime through the earnest solicitations of his friends, he was induced to express his sorrow that he had given her Majesty such deep and just occasion for displeasure. His pardon was to have been granted, and he himself had arranged with some Turkey merchants to go to Guinea. But for some reason or other the ships had to go without him and he ended his days in the White Lion Prison in 1592.

It was in the time of the Stuarts that the 'Doctrine of the Divine Right of Kings' attained its most extravagant development. In 1607 a book was published at Cambridge which roused in some quarters very intense indignation. This was Dr. Cowel's 'Law Dictionary, or the interpreter of words and terms used either in Common or Statute Law of this realm,' written, it was believed, at the request of Archbishop Bancroft. In this work it is declared that the King is not bound by the laws of the realm; he could pass what decrees he liked without consulting Parliament; if he asked their consent in matters of finance, it was as a favour not as a right. 'Though at his coronation he took an oath not to alter the laws of the land, yet, this oath notwithstanding, he may alter or suspend any particular law that seemeth hurtful to the public estate.' No wonder it found favour in the eyes of James, but it roused the jealousy of Parliament and it was censured in both Houses. The King, seeing how intense the feeling was, did not dare to interfere. The author was imprisoned though only for a short time, and the King had to issue a proclamation for the suppression of the book, which was committed to the flames, 'for which the Commons returned thanks with great joy at their victory.' In the proclamation the King complains that 'from the very highest mysteries of the Godhead and the most inscrutable counsels in the Trinitie to the very lowest pit of Hell and the confused actions of the divells there, there is nothing now unsearched into by the curiositie of men's braines;' and that as 'these men sit with God in His most privie closet,' so 'it is no wonder that they doe not spare to wade in all the deepest mysteries that belong to the persons or the state of Kinges and Princes, that are gods upon earth.' The proclamation ends with a clause of considerable importance: 'For better oversight of books of all sortes before they come to the presse, we have resolved to make choise of commissioners that shall looke more narrowly into the nature of all those things that shall be put to the presse, either concerning our authoritie royall or concerning our government, or the lawes of our Kingdom.'

Whatever hopes the Puritans may have been induced to indulge in of advantage to themselves from the Hampton Court Conference must have been unpleasantly dissipated when that mock conference actually commenced. The King had been brought up among Puritans, not the learnedest men in the world, and schooled by them; * but his want of sympathy

* Barlow's 'Sum and Substance of the Conference at Hampton Court,' in Cardwell's *Conferences*, p. 177.

with their doctrines was unmistakably shown in the rude and unfair manner in which he treated their arguments. James's theology, however, was, after all, except on the point of Conformity, of a very uncertain description, and it veered capriciously between 'High and Low' Church opinions. In 1617, Mr. Sympson, Fellow of Trin. Coll. Cambridge, was obliged to recant certain statements he had made in a sermon preached before the King, which advocated Arminian views; and that very same year, Dr. Mocket's treatise, '*Doctrina et politia Ecclesiæ Anglicanæ*,' fell under censure, because it favoured the Calvinists. Dr. Mocket's intention was to give foreign churches a fair notion of the doctrines of the English Church; and for that purpose he had translated the Prayer Book into Latin, adding Jewel's Apology and Nowell's Catechism. But in his translation of the Articles he had omitted the latter part, which sets forth the power of the Church in rites and ceremonies and in controversies of faith. Besides this, instead of printing the Homilies at length, he had given an abbreviation of them, not fairly representing the opinions of this Church; and, moreover, in a treatise of his own, he had not given the See of Winchester precedence over all others, next to London, but only over those whose bishops were not privy councillors. Dr. Montagu, Bishop of Winchester, was at that time on bad terms with Archbishop Abbot, whose chaplain Dr. Mocket was; the King was appealed to; and the result was a public edict by which the book was ordered to be burnt. 'Truly,' says Mr. Perry, 'in those days the gift of composition was a dangerous one; even to write without intent to preach (as Mr. Peacham did), might forfeit a man's life; to preach Arminianism was a crime in one place, to advocate Calvinism a heresy in another.*' The part James took with respect to the Synod of Dort, which was held in 1618, shows us the King in a Calvinistic mood; but the decided line Archbishop Abbot took with regard to the support of the King's son-in-law, the Elector Palatine, in his claim to the crown of Bohemia, threw the King's influence in the opposite direction. This was strongly shown in 1624, in the case of the future Bishop of Winchester, then rector of Stamford Rivers. Finding that certain Jesuits had been very busy in his parish, 'he left in one of the houses certain propositions written down, together with an offer that, if they would convince him in any one of them, he would become a convert.' They replied by sending him a pamphlet, entitled '*A Gag for the new*

* History, vol. i. p. 255.

'Gospel.' Montagu, however, showed himself more than a match for them in his answer, which he called 'A Gagg for the new Gospel? No, A Gagg for an old Goose, who would needs undertake to stop all Protestant mouths for ever with 276 places out of their owne English Bibles.' In it Montagu proved that several Calvinistic doctrines with which the Church of England was charged were no part of her teaching. Two lecturers at Ipswich, Yates and Ward, set to work to examine the book, and made out a list of statements which they said favoured Popery and Arminianism, and laid them before Parliament. Montagu, knowing how little he had to expect from their tender mercies, applied to the King, who promised to protect him. Meanwhile he was urged to write another book defending his opinions, which he accordingly did in his '*Appello Cæsarem*: a just appeale from two unjust informers.' Before the edition could be printed off the King died. On Charles's accession, the House of Commons proceeded to take steps against the Doctor for his new publication. He was summoned to the bar of the House, committed to the custody of the Serjeant, and afterwards admitted to bail in the amount of 2,000*l*. Though the King now interfered, the matter was not allowed to drop, and it was only through the hasty dissolution of the Oxford Parliament that he was unmolested. But in the next session the book was referred to by, what appears for the first time in the proceedings of the House of Commons, the Committee of Religion. The issue was that the House prayed the King, 'that the said Richard Montagu may be punished according to his demerits, in such exemplary manner as may deter others from attempting so presumptuously to disturb the peace of the Church and State, and that the books aforesaid may be suppressed and burnt.' It was not, however, till January 14, 1628, that the proclamation for its suppression was issued; what it really amounted to may be gathered from the fact that on August 24 of that year Montagu was consecrated Bishop of Winchester.

In the previous year, Dr. Mainwaring, one of the King's chaplains, had got into trouble for some sermons he had preached before the King, the sermons being afterwards printed by the King's permission. In these the opinions of Dr. Cowel, alluded to, were very strongly reproduced. After a censure by the House of Commons, the author was impeached before the House of Lords, who gave judgment: 1. That Dr. Mainwaring shall be imprisoned during the pleasure of the House; 2. That he be fined 1,000*l*. to the King; 3. That he shall make such submission and acknowledgment of his offences as shall be set

down by a committee in writing both at the bar and in the House of Commons; 4. That he shall be suspended three years from the exercise of his ministry; 5. That he shall hereafter be disabled from any ecclesiastical dignity; 6. That he shall be for ever disabled to preach at the Court hereafter; and 7. That his Majesty be moved to grant a proclamation for the calling in of his books, that they may be burnt in London and both Universities. The King accordingly issues a proclamation, in which he declares that the Doctor had 'drawn upon himself the just censure and sentence of the high Court of Parliament.' Mainwaring himself made a most abject apology to the House, and after the session was over, the fine was remitted, the Doctor himself released from prison, two livings given him, and in 1636 he became Bishop of St. David's.

'The disputes which agitated the Church in the times of Elizabeth were at first, in many instances, unpardonably foolish and trifling. Taking as indulgent a view as we can of the Puritans of her time, it cannot be denied that they are eminently provoking. That sober and pious men should think themselves justified in convulsing, worrying, and distracting the young Church struggling towards maturity and strength amidst the greatest obstacles, on the miserable question of church vestments, or the insignificant matter of the use of the cross in baptism, seems to show a sufficiently bitter and litigious spirit, and with this, in fact, the Puritan clergy are justly chargeable. They fought factiously and they fought unfairly. They were most loud and troublesome when there was the greatest danger from the Papist and the Spaniard, and they suddenly assumed a quieter tone when the power of the foreign foe was broken.' *

One of their great objects was the overthrow of the Bishops, but even here, the ground they occupied at the beginning was shifted entirely as the dispute went on. 'They first desired only to shake down the leaves of Episcopacy,' says Fuller, 'misliking only some garments about them; then they came to strike at the branches, and last of all they did lay their axe unto the root of the tree.' By the time of Charles I. opinions had grown still further embittered, and it is in that reign that we find the severest examples of punishment incurred for any publications that reflected upon the third order of the ministry. In 1628 there appeared a very scurrilous work by a Scotch doctor of physic and divinity, Alexander Leighton, father of the Archbishop, entitled 'An Appeal to the Parliament; or Sion's Plea against the Prelacie.' Printed the year and month in 'which Rochell was lost.' He calls bishops men of blood, ravens,

* Perry, vol. i. pp. 16, 17.

and magpies; he declares the institution of Episcopacy to be anti-christian and satanical; the Queen is a daughter of Heth, and the King is corrupted by bishops to the undoing of himself and people; and he approves of the murder of Buckingham. Language such as this could hardly have been passed over unnoticed. But it was not till June 4, 1630, that the author was brought before the Star Chamber. There was no difficulty in pronouncing him guilty of seditious and scandalous writings; and he was sentenced to a terrible and barbarous punishment. Besides a fine of 10,000*l.* and degradation from the ministry, he was publicly whipped in Palace Yard, made to stand two hours in the pillory; one ear was cut off, a nostril slit open, and one of his cheeks branded with the letters S. S. (Sower of Sedition). After this he was sent off to the Fleet Prison. At the end of a week, 'being not yet cured,' he was brought out again, underwent a second whipping, and a repetition of the former atrocities, and was then consigned to prison for life, where he actually spent eleven years. In April 1641 his sentence was reversed by the House of Commons, and he received such consolation as it could afford him, when it was decided that his former mutilation and imprisonment had been entirely illegal.

There are few men whom a *cacoethes scribendi* ever brought into such trouble as William Prynne, 'utter barrister of Lincoln's Inn.' Of his publications, nearly 200 in number, the first appeared in 1627, entitled 'The perpetuity of a regenerate man's estate, against the Saint's total and final Apostasy.' In the following year, besides other works he published 'A brief survey and censure of Mr. Cozens, his couzening devotions.' The burning of these two books by command of the High Commission Court is one of the charges Michael Sparkes brings against Archbishop Laud on his trial. 'But,' writes the Archbishop in the 'History of his Troubles,' 'he does not say absolutely burnt, but "as he is informed," and 'he may be informed amiss.' There is no doubt, however, about the treatment of another of his publications, which appeared in the early part of 1633. This was 'The Histriomastix, the player's scourge or actor's tragedies,' a book which, as we shall see presently, appears to have had the distinction of being the first publication burnt in England by the hands of the common hangman. Prynne showed no little courage in publishing this book at a time when the Court was not only very much addicted to dramatic representations, but had such easy means at hand for suppressing seditious and treasonable publications. Much, however, might have been overlooked in Prynne's book had he not spoken in such unmeasured terms of 'women actors.'

This was interpreted into a special attack upon the Queen, who had herself taken part in the performance of a pastoral at Somerset House. True, the book had been published at least six weeks before, but there was rank treason in it for all that, and Prynne accordingly was cited before the Star Chamber in February 1633, together with Michael Sparkes the printer, and W. Buckner, the licenser of the obnoxious book. It was no use for Prynne to say through his counsel, Hern—afterwards employed in the defence of Laud—that he was heartily sorry for the strong language he had employed; the judges vied with each other in condemning him to the most extreme penalties they could inflict. The Earl of Dorset was the most vehement, but it will be enough to quote the judgment of Lord Cottington, the Chancellor of the Exchequer.

‘I do in the first place begin censure with his book. I condemn it to be burnt in the most public manner that can be. The manner in other countries is (where such books are), to be burnt by the hangman, though not used in England (yet I wish it may in respect of the strangeness and heinousness of the matter contained in it) to have a strange manner of burning, and therefore I shall desire it may be so burnt by the hand of the hangman.

‘If it may agree with the Court, I do adjudge Mr. Prynne to be put from the bar, and to be for ever incapable of his profession. I do adjudge him, my Lords, that the Society of Lincoln’s Inn do put him out of the Society; and because he had his offspring from Oxford (now with a low voice said the Archbishop of Canterbury, “I am sorry that “ever Oxford bred such an evil member!”), there to be degraded. And I do condemn Mr. Prynne to stand in the pillory in two places, in Westminster and Cheapside, and that he shall lose both his ears, one in each place, and with a paper on his head declaring how foul an offence it is, viz., that it is for an infamous libel against both their Majesties’ State and Government. And lastly (nay, not lastly), I do condemn him in 5,000*l.* fine to the King. And lastly, perpetual imprisonment.’

Buckner, who had been domestic chaplain to Abbot the Puritanical Archbishop of Canterbury, was to be fined 50*l.*; Sparkes 500*l.*, and to stand at the pillory, ‘without touching of ‘his ears,’ in St. Paul’s Churchyard. ‘It is a consecrated place,’ saith the Archbishop of Canterbury. ‘I cry your Grace’s ‘mercy,’ said my Lord, ‘then let it be in Cheapside.’

Prynne’s sufferings by no means ended here. On the 14th of June, 1637, we find him a second time before the Star Chamber, this time in company with Dr. J. Bastwick and H. Burton, ‘for writing and publishing seditious, schismatical, and libellous books against the hierarchy of the Church.’ Bastwick, though he called himself M.D. apparently without

any claim to the title, seems to have had few if any patients, and tried literature. He had his book printed in Leyden in 1624, and its title was ‘*Elenchus religionis Papisticæ, in quo probatur neque Apostolicam, neque Catholicam, neque Romanam esse.*’ It was written in answer to a book by Richard Short, which defended the Papal supremacy, the doctrine of the mass, and the Romish religion in general. In the year 1635, at the request of a friend, he published an epitome of this book, called ‘*Flagellum Pontificis et Episcoporum Latialium.*’ ‘Though professing to be directed against the Church of Rome, ’tis more than manifest,’ Laud says, ‘that it was purposely written and divulged against the Bishops and Church of England.’ For this he was cited before the High Commission Court, when thirty-seven articles were charged against him. He was acquitted of all the charges except one, and that was his maintaining bishops and priests to be the same order of ministers, or, as he expressed it himself, ‘*Impingitur horrendum crimen quod infulis et apicibus jus divinum negaverim, quod Episcopi et Presbyteri paritatem asseruerim.*’ For this he was condemned to pay a fine of 1,000*l.*, to be excommunicated, to be debarred from the practice of his profession, his book to be burnt, and he himself to pay the costs and remain in prison till he recanted; and ‘that is,’ he says, ‘till domesday in the afternoone.’ Whilst in the Gate House he published, in 1636, another book called ‘*Πράξεις τῶν ἐπισκόπων: sive Apologeticus ad præsules Anglicanos criminum Ecclesiasticorum in Curia Celsæ Commissionis,*’ written, he tells us in the Petition he afterwards presented to the House of Commons, in answer to a book by Thomas Chowney, a Sussex gentlemān, who maintained that the Church of Rome was a true church, and had not erred in fundamentals. The year following appeared a far more infamous book entitled ‘*The Letany of John Bastwicke,* being now full of devotion as well as in respect of the common calamities of plague and pestilence, as also of his own particuler miserie: lying at this instant in Limbo patrum. Printed by the speciall procurement and for the especial use of our English prelates in the yeare of Remembrance Anno 1637.’ At first it was only shown to a few friends in manuscript, but afterwards it came to be printed in this way. John Lilburne, afterwards a lieutenant-colonel in the Parliamentary army, and who behaved with such gallantry at Marston Moor, got introduced to Dr. Bastwick in 1637, and was so much pleased at hearing the Letany, that having a little ready money at command, he undertook to get it printed in

Holland. Bastwick was at first averse to this, as he distrusted a friend of Lilburne's, who would have to assist in disposing of the impression. His scruples, however, were overcome, and the Letany, together with another libellous publication, entitled 'Answers to the Information of Sir John Banks, Kt., Attorney 'Universall,' committed to the press. The first edition realised a handsome profit; but now Laud got scent of the publication, laid hold upon the disperser, and made him confess who the main culprit in the business was. Accordingly when Lilburne landed with another impression, he was seized along with his cargo, and the books burnt by the hands of the common hangman.

H. Burton, B.D., was the incumbent of St. Matthew's, Friday Street, the church in which Pepys tells us of a disturbance in his time; 'a great many young people knotting together and crying Porridge, often and seditiously in the church; and they took the Common Prayer Book, they say, away, and some say did tear it.' Burton had been clerk of the closet to Prince Henry, and afterwards to Prince Charles; a position in which he was not continued when Charles became King. In this bitter disappointment we find an obvious explanation of his appearing in the company of such men as Bastwick and Prynne. The book which brought him into trouble was 'An apology for an appeal to the King's Most Excellent Majesty, with 2 Sermons for God and the King, preached on the 5th of November last [1636].' Another of the libels complained of was mainly, if not altogether, from his hand. This was 'The Divine Tragedy recording God's fearful judgments against Sabbath breakers;' a book directed against Noye, the Attorney-General, who, it was made out, was visited with a judgment from heaven whilst laughing at Prynne as he stood in the pillory. These two books of Burton's, two of Bastwick's, the 'Apologeticus,' and the 'Letany,' and a fifth called 'News from Ipswich,' were the libels which were proceeded against. Laud, however, tells us that the book for which they were sentenced was one written by Burton, and printed and sent by himself to the Lords sitting in Council, entitled 'A letter to the true-hearted nobility.' Prynne, so far as the evidence went, had not been guilty of any fresh offence; for the Court was not aware that he was really the author of the 'News from Ipswich,' which had been published under the name of W. White. But there is little doubt that he was really answerable for the contents of the libels, and that Laud's account is substantially correct, when he says that Prynne 'makes Burton and Bastwick utter law, which God knows they un-

'derstand not; for I doubt his pen is in all their pamphlets.' Of course the three men were found guilty. Lord Cottington's sentence was that they should lose their ears in the Palace Yard at Westminster, be fined 5,000*l.*, and imprisoned for life in three remote places of the kingdom. Lord Finch suggested, in addition to this, that Prynne should be branded on the cheek with two letters (S.L.), for seditious libeller. 'To which all the Lords agreed, and so the Lord Keeper concluded the censure.'

The Puritans by no means neglected the cheap and easy way of answering an adversary by burning his books. It was, perhaps, of very little consequence that such effusions as Coppe's '*Fiery Flying Roll*,' or Lawrence Clarkson's '*Single Eye*,' or '*The accuser shamed, or a pair of bellows to blow off that dust cast upon John Fry, a member of Parliament, by Col. John Downs, likewise a member of Parliament*,' or Lilburne's '*Just reproof of Haberdasher's Hall*,' were consigned to the tender mercies of the common hangman. But we suspect there were few books they so congratulated themselves on committing to the flames as the King's '*Book of Sports*.' This ill-judged publication was issued by King James in 1618, on the advice of Morton, Bishop of Chester, and was intended in the first instance for the good people of Lancashire, among whom the King had lately been on progress, and who had shocked him by their Puritanical observance of Sundays. Accordingly he recommends them after divine service to devote themselves to dancing, archery, leaping, vaulting, May-games, Whitsun-ales, Morris-dances, and such like. The baiting of animals, interludes, and especially that which was 'prohibited at all times to the meaner sort of people—bowling,' were forbidden. Some improvement was afterwards introduced by the restrictions that 'people should have no liberty for recreation till after evening prayer; and the non-recusant, who came not to morning and evening prayers, should be incapable of such His Royall indulgence at all.' Though specially addressed to Lancashire, the book was directed to be read in all churches throughout England. We can easily imagine what consternation this caused to a considerable number of James's subjects, and how Archbishop Abbot, who was staying at Croydon, felt it his duty to forbid its being read in that church. One book at least was published in answer to the Declaration by John Trask, in which Sabbatarian views of the most extreme kind were advocated. For this publication the author was set in the pillory at Westminster, and whipt to the Fleet, and then imprisoned.

The excitement was renewed in 1633, when Charles re-issued the Declaration :—

‘ That it was impolitic and dangerous to publish the “Book of Sports” is doubtless true, but that, under the circumstances of the case, it was almost necessary for the King and his advisers to do this, or abandon their own opinions, is perhaps also capable of proof. It must be remembered that the King and the High Church party were not the movers in the matter. The judges had taken it upon themselves to forbid the celebration of the village feasts or wakes on the Sunday, and had ordered, most unwarrantably, the clergy to publish their decrees in the time of service. This was as direct and distinct an invasion of ecclesiastical jurisdiction as could well be devised, and it excited, as might be expected, the wrath of the Archbishop. But the Chief Justice (Richardson) seemed determined to set him and the King at defiance, and repeated, on his next circuit, his former order. . An inquiry was then made through the Bishop of Bath and Wells, as to how the dedication feasts were observed in the villages, and seventy-two grave divines reported that they were observed religiously and orderly. Upon this the Chief Justice was called before the Council and received “such a rattle” for his former contempt that he came out complaining “that he had almost been choked by a pair of lawn sleeves.”’

In 1644, however, when Puritan influence had become supreme in Parliament, a resolution was passed by both Houses that the obnoxious book should be burnt by the Justices of the Peace, in Cheapside, and at the Exchange. The sheriffs of London and Middlesex had instructions to assist effectually in carrying out the order of the 10th of May ; all persons were required to deliver up their copies to the proper authorities. On that day accordingly all that could be laid hold of were destroyed.

After the Restoration, the custom of book-burning soon came into use. On the 16th of June, 1660, the House of Commons passed a resolution that his Majesty be humbly moved to call in three books written in justification of the murder of the late King, and order them to be burnt by the common hangman. Two of these were by Milton ; the ‘*Εἰκονοκλαστικῆς*,’ in answer to *Εἰκὼν βασιλική*, published in 1649, and ‘*Defensio pro populo Anglicano contra Claudii Salmasii Defensionem regiam*’ in 1650. The third work was by John Goodwin, and was entitled ‘*Ψευδοδίκαι*, the Obstructors of Justice, or ‘a Defence of the honourable Sentence passed upon the late King by the High Court of Justice, 1649.’ In accordance with this resolution, the King issued a proclamation on

August 13, ordering the suppression of these books, and stating that Milton had fled from justice. By the next assize day, August 27th, a considerable number of copies of the prohibited works had been brought to the sheriffs of the different counties, and on that day they were burnt. The authorities were satisfied with this expression of feeling, and three days afterwards an act of indemnity was passed, which included Milton.

It was very seldom that the Pastoral Letter of an English Bishop fell into the hands of the hangman, yet such was the fate in 1693 of one of Bishop Burnet's, printed in 1689. The account of it is given by Burnet himself in the rough draught of the 'History of his Time,' now in the British Museum (Harl. MSS. 6584). He omitted it for some reason or other in his printed edition.

'In the last Session of Parliament some began to find fault with a notice by which some divines had urged obedience to the present Government, that here was a conquest over King James, and that conquest in a just way gave a good title. This some had carried so far as to say, in all wars, just or unjust, conquests were to be considered as God's transferring the dominion from the conquered to the conqueror; yet all these writers had taken care to distinguish between a conquest of a nation and a conquest of King James: the latter being only that which was pretended, that, as they said, gave the King all King James's right. This doctrine was condemned by a vote of both Houses, and a book that had set it forth with great modesty and judgment was in great heat condemned to be burnt; and because in a treatise that I had writ, immediately after I was a bishop, to persuade my clergy to take the oaths, I had only mentioned this as a received opinion among lawyers, and had put it in among other topics, but had put the strength of all upon the lawfulness and justice of the present establishment, they fell upon that little book, and ordered it likewise to be burnt. So it looked somewhat extraordinary that I, who perhaps was the greatest asserter of public liberty, from my first setting out, of any writer in the age, should be so severely treated as an enemy to it. But the truth was, the Tories never liked me, and the Whigs hated me, because I went not into their notions and passions; but even this and worse things that may happen to me shall not, I hope, be able to make me depart from moderate principles and the just asserting of the liberty of mankind.'

The book the Bishop alludes to is an anonymous publication, entitled 'King William and Queen Mary Conquerors.' The author was Charles Blount, a person of some talent, but an infidel; one of his works had been seriously curtailed by Sir Roger L'Estrange, the first 'Licenser of the Press,' and finally suppressed by order of the Bishop of London. In consequence of this treatment, and the prospect of a repetition of it if he ventured on any new work, he issued from some unlicensed

press a pamphlet called 'A just Vindication of Learning and of the Liberty of the Press: by Philopatris.' It is a curious proof of the little acquaintance which readers in those days had with the prose works of Milton, that though Blount's pamphlet consisted of little else but garbled extracts from the 'Areopagitica,' the gross plagiarism was never discovered. Blount, encouraged by this, compounded on similar principles another pamphlet, 'Reasons for the Liberty of Unlicensed Printing.' At the end of it he added 'A Just and True Character of Edmund Bohun,' who had succeeded 'Catalogue' Fraser, the State Licenser appointed at the Revolution, and this work he contrived should be widely but privately circulated. Meanwhile he laid a very clever trap for Bohun, who, though a very strong Tory, had taken the oaths to the Prince of Orange, and justified his so doing by arguments which mightily offended Whigs and Tories alike. In his new work Blount enunciated opinions exactly the contrary to those he really held, of course for the sake of deceiving Bohun. 'The trap was laid and baited with much skill. The republican succeeded in personating a high Tory. The atheist succeeded in personating a high Churchman.*' Bohun gladly gave permission for its publication, but he soon found cause to repent of so doing. The House of Commons sat in judgment upon it; condemned it to the care of the hangman, and petitioned the King that Bohun should be removed from his office. Their sentence was carried out. Some expressions in Bishop Burnet's Pastoral were thought too much akin to the spirit of this work to be allowed to pass unnoticed any longer. Some wag in the House during the debate called out 'Burn it, burn it,' and burnt it was accordingly, but only by a majority of 7 votes in a House of 317 members.

In 1705 a pamphlet appeared which caused great excitement. It was called 'The Memorial of the Church of England, humbly offered to the consideration of all true Lovers of our Church and Communion,' the name of the author being withheld. The occasion of its being written was that a bill against 'occasional conformity' had three times failed in passing the House of Lords. The pamphlet was alluded to by the Queen in her speech to Parliament; both Houses addressed her Majesty, requesting her to punish the author of so groundless and malicious an assertion as that the Church was in danger under her administration. The grand jury of Middlesex condemned it to be burnt before the Court, and again before the

* Macaulay's History of England, vol. iv. p. 356.

Royal Exchange and the Palace Yard, Westminster, and a reward of 1,000*l.* was offered for the discovery of the author. The Duke of Buckingham was at one time thought to be responsible for it. All, however, that could be extracted from the printer, David Edwards, was that two women, one of them wearing a mask, brought the manuscript to him with directions for the printing of 350 copies, and that these were delivered to four persons sent to his office to receive them. The author was a physician of some eminence and a F.R.S., J. Drake, though Mr. Pooley, the Member for Ipswich, seems to have supplied him with the legal information contained in it. So determined were the Government to suppress it that a bookseller having printed it with an answer, paragraph by paragraph, all the copies were seized immediately and destroyed. The libel was reprinted in Dublin, and very impudently dedicated to the Lord Lieutenant. This edition also was destroyed by authority.

Four years afterwards another person of great notoriety appeared upon the world's stage—Dr. Sacheverell. At the age of fifteen he had gained a demyship at Magdalen College, Oxford, and afterwards became Fellow and Tutor of the same college. Whilst residing there he became acquainted with Addison, who had migrated to Magdalen from Queen's. So much attached were they to each other, that Addison dedicated his '*Account of the Greatest English Poets*,' written at the time when he purposed entering holy orders, to his '*dearest friend and colleague*,' H. Sacheverell. In 1705 he was appointed preacher at St. Saviour's, Southwark, and it was whilst holding this appointment that he delivered the two sermons which brought him into such notoriety. Party-feeling in those days ran high both in religion and politics, and Sacheverell was an outspoken High Church Tory of the most extreme kind. On the 14th of August, 1709, he preached his sermon at Derby; and on the 9th of November what Lord Campbell calls his '*contemptible sermon*,' '*Perils among False Brethren*,' at St. Paul's.

These sermons, however, brought him under the notice of Government. Notwithstanding Lord Somers's better advice, it was determined by the Cabinet, the Prime Minister, Lord Godolphin, whom Sacheverell had attacked under the name of Volpone, being especially urgent in the matter, to proceed by way of impeachment. The Member for Liskeard, Mr. Dolben, was intrusted with bringing the matter before the House of Commons, which voted that the sermons were '*malicious, scandalous, and seditious libels*, highly reflecting on the Queen

'and her government, the late happy revolution, and the 'Protestant succession.' On the 27th of February, 1710, he was brought to trial in Westminster Hall. The opening of the trial was quite a spectacle. The Queen occupied a private box. The House of Lords was seated in the centre of the Hall. The House of Commons were on one side and a galaxy of ladies on the other. The evidence was summed up by Mr. Lechmore, 'a man of parts, but a most 'vile stinking Whigg,' as Hearne calls him; Sacheverell's defence being, it is thought, the composition of Bishop Atterbury, to whom the Doctor afterwards bequeathed 500*l.*, though John Wesley also claims the credit of it for his father. Sentence was given on March 24, when, out of 121 members, he was condemned by a majority of 17, — 7 bishops voting against, and 6 for him. It was only by a majority of 6 that he was suspended for three years, whilst the motion that he should be incapable of further preferment was lost by a majority of 1. The leniency of the sentence was regarded by his friends as a great triumph. The sermons themselves were condemned to the flames, and with them a decree of the University of Oxford, passed July 1683, maintaining the absolute authority of princes, and which Sacheverell had used in his defence. Lord Campbell considers the prosecution as the most suicidal thing the Government could have done. But Burke, in his 'Appeal from Old to New Whigs,' takes a very different view:—

'It was carried on for the purpose of condemning the principles on which the Revolution was first opposed and afterwards calumniated, in order by a juridical sentence of the highest authority, to confirm and fix Whig principles as they had operated both in the resistance to King James and in the subsequent Settlement, and to fix them in the extent and with the limitations with which it was meant they should be understood by posterity.'

One of Sacheverell's opponents, the author of 'Robinson Crusoe,' had got himself into trouble a few years before the impeachment of the High Church Doctor. In 1702 he published 'The shortest way with the Dissenters; or, proposals for 'the establishment of the Church.' Though in reality a satire of exquisite irony from beginning to end, its true nature was so cunningly concealed as at first to deceive both high and low churchmen alike. When, however, its real object was discovered, the indignation against the author was intense. De Foe was prosecuted for libel, and condemned to pay a fine of 200 marks to the Queen (his expenses altogether amounted to more than 3,500*l.*, and brought him to ruin), to stand three

times in the pillory, to be imprisoned during the Queen's pleasure, and to find securities for his good behaviour for seven years. Besides this, the book was, by an ordinance of Parliament of February 25, 1703, ordered to be burnt by the hands of the hangman in New Palace Yard, as 'full of false and scandalous reflections on the Parliament, and tending to promote sedition.'

Along with De Foe's, another name has been immortalised in the 'Dunciad':—

'Earless on high stood unabash'd Defoe,
And Tutchin flagrant from the scourge below.'

Tutchin, in the times of James II., had endeavoured to help on the rebellion of Monmouth by a pamphlet, for which he was sentenced by Judge Jeffries of famous memory to be whipped through certain market towns in the West of England. The executioner used such energy in his work that Tutchin, after the first instalment of his punishment, petitioned the King that he might be hanged. This favour was not granted, and 'in revenge he lived to write a most virulent attack upon the memory of that unfortunate monarch.'

The year 1762 is famous for the appearance of the first number of a publication which was soon to acquire great notoriety, 'The North Briton.' It was started by John Wilkes, assisted by Mr. Charles Churchill, one contributing most of the talent, the other the abuse. Virulent, however, as were its principles, and gross its attacks on Lord Bute, it continued its career undisturbed till its forty-fifth number. By that time the seven years' war, which added 60,000,000*l.* to our National Debt, had come to an end, and a treaty of peace signed at Paris, February 10, 1763. On the dissolution of Parliament on the 19th of April, the King, alluding to this treaty, said in his speech, 'My expectations have been fully answered by the happy effects which the several allies of my crown have derived from this salutary measure. The powers at war with my good brother, the King of Prussia, have been induced to agree to such terms of accommodation as that great prince has approved; and the success which has attended my negotiations has necessarily and immediately diffused the blessings of peace through every part of Europe.' On the 23rd appears Wilkes's comment on it. 'The infamous fallacy of the whole sentence is apparent to all mankind, for it is known that the King of Prussia did not only approve, but actually dictated as conqueror, every article of the terms of peace. No advantage of any kind has accrued to the magnanimous prince from our negotiations, but he was basely deserted by the Scottish

'Prime Minister of England.' Wilkes was arrested, but released on his privilege of Member of Parliament, and went to France. The House of Commons expelled him, and ordered the obnoxious publication to be burnt by the hangman at the Royal Exchange. This was carried into effect on December 3rd, but the mob was so incensed at the indignity shown to their champion that they drove the authorities from the field. 'Several other persons,' says Malcolm,* 'had reason to repent the attempt to burn that publicly which the *sovereign people* determined to approve, who afterwards exhibited a large *jack-boot* at Temple Bar, and burnt it in triumph unmolested, as a 'species of retaliation.'

What happened after this may be given in the words of Lord Mahon:—

'It was also observed and condemned as a shallow artifice, that the House of Lords, to counterbalance their condemnation of Wilkes's violent democracy, took similar measures against a book of exactly opposite principles. This was a treatise or collection of precedents lately published under the title of "*Droit le Roy* [or a digest of the rights "and prerogatives of the Imperial Crown of Great Britain, by a "member of the Society of Lincoln's Inn. Jan. 1764."'] The Peers, on the motion of Lord Lyttelton, seconded by the Duke of Grafton, voted this book "a false, malicious, and traitorous libel, inconsistent with "the principles of the Revolution to which we owe the present happy "establishment;" they ordered that it should be burnt by the hands of the common hangman, and that the author should be taken into custody. The latter part of the sentence, however, no one took pains to execute. The author was one Timothy Brecknock, a hack scribbler, who twenty years afterwards was hanged for being accessory to an atrocious murder in Ireland.' †

This work is sometimes quoted as the last instance of a book having been 'burnt,' but apparently not quite accurately. One other instance, of somewhat later date, may be given—'The 'Commercial Restraints of Ireland Considered,' printed at Dublin 1779. The author of this anonymous publication was the Hon. Hely Hutchinson. It was consigned to the hangman, and is now so scarce that the late Mr. Flood, in a speech made in the House of Commons, said he would give 1,000*l.* for a copy.

In several cases the Vice-Chancellors of the two universities were required to burn books that had been condemned by authority, but one or two instances may be given in which obnoxious books were committed to the flames by the Uni-

* Anecdotes of London, 1808, p. 282.

† History of England, vol. v. p. 175.

versity of Oxford, without any such monition. The indignation caused by the discovery of the Rye House Plot, and the triumph for the time of the Tory party, led to many works being very summarily dealt with which denied in any way the divine right of kings. On the day on which Russell was beheaded for his supposed complicity in the plot, the University ordered the works of Buchanan, Milton, and Baxter to be burnt in the School Quadrangle.

In 1690 Arthur Bury, Rector of Exeter College, published a book called 'An historical Evidence of the naked Gospel,' in which he advocated what were considered Socinian views. The heads of houses held a meeting, and six of them were nominated a committee for examining the book. They had no difficulty in picking out passages which were pronounced to be contrary to the doctrines of the Church of England. On the 19th of August the book was burnt in the School Quadrangle. Trelawney, Bishop of Exeter, visitor of the College, suspended the author from the rectorship, but he was soon afterwards restored.

In 1693 the second volume of that most valuable work Anthony a Wood's 'Athenæ Oxonienses' was burnt in the Theatre Yard by the apparitor of the University, in pursuance of a sentence of the University Court. The charge against the biographer was that he had been guilty of a libel against the memory of the Earl of Clarendon.

Hearne's Diary, under the date October 3, 1713, will supply us with another instance:—

'There having been no *Terræ filius* speech, this last act, quite contrary to what the Statutes direct (occasioned by the contrivance of the Vice-Chancellor and Proctors), there hath been one since printed, in which the Vice-Chancellor and some other heads of Houses, are severely reflected on, nay ten times more severely than ever happened at the theatre or elsewhere when the *Terræ Filius* was allowed to speak; which hath so nettled the Vice-Chancellor and others, that on Thursday, in the afternoon, both he and other heads of Houses met in the Apodyterium, and resolved that it should be burnt. And accordingly, yesterday, at two o'clock in the afternoon, there was a convocation in which the Vice-Chancellor was continued for another year, and the speech was proposed to be burnt. And accordingly the said speech was burnt, which act, however, is only generally laughed at, it being a certain sure way to publish it and make it more known.'

Here we pause; not because we have exhausted the subject, for the materials we have left unused are very extensive, but because we hope we have said enough to induce some one, with sufficient leisure and access to libraries, to give us what we say again is a great desideratum in English bibliography—an English Peignot.

- ART. VII.—1. *The Descent of Man and Selection in relation to Sex*. By CHARLES DARWIN, M.A., F.R.S. 2 vols. London: 1871.
2. *Contributions to the Theory of Natural Selection*. By A. R. WALLACE. Second Edition. London: 1871.
3. *On the Genesis of Species*. By St. GEORGE MIVART, F.R.S. London: 1871.

SINCE the publication of the 'Origin of Species' in 1859, no book of science has excited a keener interest than Mr. Darwin's new work on the 'Descent of Man.' In the drawing-room it is competing with the last new novel, and in the study it is troubling alike the man of science, the moralist, and the theologian. On every side it is raising a storm of mingled wrath, wonder, and admiration. In elegance of style, charm of manner, and deep knowledge of natural history, it stands almost without a rival among scientific works; and its popularity must be a keen pleasure to its author, if he be not lifted above the level of popular praise and blame, by his previous high achievements. The subject is of the very highest importance. In the 'Origin of Species,' the principles of the doctrine of natural selection were laid down, and in part had to be taken in trust because the whole of the evidence was not laid before the reader. The 'Variation under Domestication' formed the first instalment of the proof, in which Mr. Darwin showed how wonderfully plastic animals and plants become under the care of man, and how new breeds and varieties may be developed by constant selection, which he believes to be equal in classificatory rank to those ordinarily termed genera and species in nature. The present work contains the first application of the theory to a given case—the evolution of man, chosen by the author himself. As a crucial test therefore of the truth of his theory of creation, this work is of high value. But it has a higher claim on our attention than even this, for Mr. Darwin does not confine his argument to the origin of man's body from pre-existent forms; he ventures to carry it into the region of mind, and to account for man's spiritual powers by a process of natural selection from rudiments in the lower animals. It is indeed impossible to over-estimate the magnitude of the issue. If our humanity be merely the natural product of the modified faculties of brutes, most earnest-minded men will be compelled to give up those motives by which they have attempted to live noble and virtuous lives, as founded on a mistake; our moral

sense will turn out to be a mere developed instinct, identical in kind with those of ants or bees; and the revelation of God to us, and the hope of a future life, pleasurable day-dreams invented for the good of society. If these views be true, a revolution in thought is imminent, which will shake society to its very foundations, by destroying the sanctity of the conscience and the religious sense; for sooner or later they must find expression in men's lives. We propose to examine the evidence on which conclusions so far reaching as these are based, first of all taking up the argument as to man's bodily descent, and then passing on to that of the origin of our intellectual and moral faculties. The question before us, is, 'can man, body and soul, be accounted for by natural selection?' In discussing this we shall have occasion to examine the differences between the various races of men, and to see how far 'sexual selection' will account for those variations which cannot be explained by the theory of 'the survival of the fittest.' We will not here anticipate the conclusion of our own argument; but we must observe at starting, that Mr. Darwin appears to us to be not more remarkable for the acuteness and ingenuity of his powers of observation of natural phenomena, than he is for the want of logical power and sound reasoning on philosophical questions.

Before we plunge into the subject, it is necessary to define what is meant by natural selection. Plants and animals in a state of nature, under favourable conditions of life, have a tendency to increase rapidly; as for example the horse, and the white clover, in Australia; but as the sum of the food in each area is a constant quantity, the number of individuals arriving at maturity must, on the whole, remain stationary. And this must lead to a struggle for existence:—

'Our own observation,' writes Mr. Wallace, 'must convince us, that birds do not go on increasing every year in a geometrical ratio, as they would do were there not some powerful check to their natural increase. Very few birds produce less than two young ones each year, while many have eight or ten; four will certainly be below the average; and if we suppose that each pair produce young only four times in their life, that will also be below the average, supposing them not to die, either by violence or want of food. Yet at this rate, how tremendous would be the increase, in a few years, from a single pair! A simple calculation will show that in fifteen years, each pair of birds would have increased to nearly two thousand millions! Whereas we have no reason to believe that the number of the birds of any country increases at all in fifteen, or in one hundred and fifty years. With such powers of increase, the population must have reached its limits, and have become stationary, in a very few years after the origin of

each species. An immense number of birds must therefore perish, each year, before arriving at maturity, and these, for the most part, would be the weak, diseased, and less gifted individuals.'

Or, if we take the case of an oak forest, every tree will drop, at least, one thousand acorns annually, though till an old tree falls, not one of these can grow into an oak. Then comes in the principle of heredity, by which the parent hands down to its offspring a general likeness, and the principle of variation, by which no offspring resembles its parent in every particular. In the struggle for life, the minute variations, presented by all living beings, would either aid or retard the organisms in which they were manifested, and would result in the survival of the fittest. Lastly the change of external conditions, which now is universal and unceasing, would give free scope for the accumulation of variations in one direction through heredity, the organic change keeping pace with that of the conditions, and the animal and plant continuing to be in perfect harmony with its environment. By the action of these complex laws, summed up under the head of Natural Selection, and by them solely, both Mr. Darwin and Mr. Wallace believe that all plants and animals have sprung from pre-existent forms, that have *gradually* diverged from one another; and they both insist, that inasmuch as external circumstances change slowly, changes in life must be correspondingly slow and continuous. We do not intend to enter into the general considerations of the merits of this theory, for the false reasoning from domestic breeds to species in nature has been demonstrated by Professor Huxley,* and its inadequacy to explain the phenomena of the animal kingdom by Mr. Mivart,† but we shall confine ourselves strictly to the application of it to the 'Descent of Man.' Does the present state of man admit of explanation by this hypothesis? And if the origin of man's body can thus be accounted for, does it explain also mental and moral phenomena? If it be a law like that of gravitation, it must be a key to all the facts which it is supposed to cover.

It is universally admitted, that man, in his purely physical nature, is closely linked with the brutes. His body is subject to the same laws of reproduction, growth, decay, and death as theirs, and is built essentially on the same plan. Each muscle, nerve, blood-vessel, and bone, is represented, more or less, in the bodies of the higher mammals, and especially among the anthropomorphous apes. Besides these obvious

* Lay Sermons, p. 280.

† Genesis of Species.

points of resemblance there are others equally striking. Man is liable to certain of the same diseases as the brutes, such as hydrophobia, variola, and glanders, a fact which 'proves the close similarity of their tissues and blood, both in minute structure and composition, far more plainly than does their comparison under the best microscope, or by the aid of the best chemical analysis.*' Our embryonic development also differs in no respect from that of the higher mammals, and is scarcely, if at all, distinguishable from that of the dog or the ape. It is useless for any man to shut his eyes to the full weight of this identity of structure.

The evidence afforded by rudimentary organs tends also in the same direction. The panniculus carnosus muscle, for instance, by which horses move and twitch their skin, is found in an efficient state in the human forehead and neck, while it is very generally not traceable in the other parts of the body. Some people, however, have the power of moving the scalp, very much as the lower animals, and of setting in motion the muscles of the ear. This probably is an instance of the loss of an organ by disuse. The small vermiform appendage to the human cæcum is a rudiment of that which is long and convoluted in the orang and enormous in the marsupials. The small point also on the inner margin of the outer fold of the ear, which Mr. Woolner first detected when at work at his figure of Puck, is alleged to be the last lingering trace of a pointed ear, as in some of the baboons, and many other animals. Many other cases might be adduced of the same kind.

The variations also traceable in the human frame point in the direction of the lower animals. In one case, quoted by Professor Houghton, the arrangement of tendons of thumb and fingers characteristic of the macaque was fully shown in the human hand; and Mr. Wood, in a series of papers contributed to the Royal Society, has minutely described a number of muscular variations in man, which represent normal structures in the lower animals. In one male subject no less than seven such variations were observed, all of which plainly represented the muscles of certain kinds of apes. Mr. Wood considers that these variations 'must be taken to indicate some unknown factor, of much importance to a comprehensive knowledge of general and scientific anatomy.' Mr. Darwin argues, that this unknown factor is most probably the tendency to revert to a former state of existence:—

* Darwin's '*Descent of Man*,' vol. i. p. 11.

'It is quite incredible that a man should through mere accident abnormally resemble, in no less than seven of his muscles, certain apes, if there had been no genetic connexion between them. On the other hand, if man is descended from some ape-like creature, no valid reason can be assigned why certain muscles should not suddenly reappear after an interval of many thousand generations, in the same manner as with horses, asses, and mules, dark-coloured stripes suddenly reappear on the legs and shoulders, after an interval of hundreds, or more probably thousands, of generations.' (Vol. i. p. 129.)

Hence it is contended that the identity of the structure of man's body with that of the brutes cannot be accounted for by the ordinary doctrine of special creation, or the creation of species directly and immediately out of nothing, which is itself hedged in with insuperable difficulties in general application. It does not explain the variations in the direction of the lower animals, nor the rudimentary organs, nor the embryological development. Nor does it afford any clue to the law of geological succession. It does not tell us why the existing group of marsupials in Australia should have been represented in the quaternary age by allied species in that region; or why the armadillos and sloths of South America should find their nearest allies in those species which immediately preceded them in that area; or why, in the Old World, the Asiatic elephant should be so closely allied to the mammoth. It moreover implies a corresponding annihilation of the pre-existent species. This doctrine, invented before the birth of the physical sciences, has long ago been given up by many theologians, and by all biologists, who could not fail to see the bond of union which unites all living bodies together. Professor Owen, no less than Professor Huxley, does not hesitate to ascribe the identity running through the animal kingdom to the continual operation of natural laws:—'I have been led,' he writes, 'to recognise species as exemplifying the continuous operation of natural law, or secondary cause; and that, not only successively, but progressively, from the first embodiment of the vertebrate idea under its old Ichthyic vestment until it became arrayed in the glorious garb of the human form.* But no two anatomists are agreed as to the exact mode in which these secondary laws produce different forms. And this doctrine of evolution, by which man is supposed to have sprung from an antecedent form, differs merely in name from secondary or derivative creation; although many writers believe that it is antagonistic. It merely attempts to give some of the causes which probably brought about the change—

* *Anatomy of Vertebrates*, vol. iii. p. 796.

such as variation, heredity, change of conditions, and the other factors, which together make up what Mr. Darwin terms natural selection; but it does not attempt to show all. It is very generally taken to be identical with the natural selection theory; but it really differs in the important point that the latter professes to explain all the phenomena of life by the action of the causes which it enumerates, ignoring completely the possible co-operation of other factors of change. This essential difference is worthy of careful attention; for if the one theory is consistent with the phenomena of the material world, and does not clash with what we know of the world of mind, the other and narrower theory is, in our belief, inconsistent with the facts of both.

This doctrine of evolution is strangely exaggerated, both by its opponents and supporters, being looked upon by the one as destroying the foundations of their religious belief, and by the other as an overwhelming argument in favour of materialism. We cannot see that it has the least bearing in one way or the other. That man was brought into being by the operation of a secondary law, need not alarm the most timid theologian, and the validity of the direct argument, from the physical to the mental, cannot be admitted. As Mr. Mivart very justly remarks, 'Derivative creation is not a supernatural act, but is simply the Divine action by and through natural laws. To recognise such action in such laws is a religious mode of regarding phenomena, which a consistent theist must necessarily accept, and which an atheistic believer must similarly reject. But this conception, if deemed superfluous by any naturalist, can never be shown to be *false* by any investigations concerning natural laws, the constant action of which it presupposes.*' Evolution pure and simple does not touch in the least degree the province of religion. It leaves the origin of life as great a mystery and wonder as ever, and presents a nobler view of the great Creator, who endowed living forms with such wondrous capacities, and made them subject to laws of being, which may include variations, just as they include reproduction by natural causes. It deals solely with the working of these laws, which we have been able to detect by our limited insight into nature; and it cannot explain the phenomena without the will of a directing Intelligence. The naturalist who fancies that he can trace the order of the universe to the combinations of a series of accidents or who can explain all phenomena by the working of some principle which

* *Genesis of Species*, p. 262.

he has lighted upon, must have a very high opinion of his own powers of analysis; and the materialist who thinks that there is no necessity for a God in the world, is merely asserting what he cannot prove. The *onus probandi* rests with them; and until they can explain the phenomena by the working of their own principles, few will be inclined to trust in a mere negative philosophy, unsupported by evidence.

The doctrine of evolution may be the only reasonable explanation of the differences and resemblances of plants and animals, and of their distribution in space and time. But nevertheless, it must be admitted that its truth is as yet very far from being proved. It may be a provisional hypothesis, destined to yield place at the discovery of a higher law. But we are confident that evolution brought about solely by means of natural selection, according to the views of Mr. Darwin, is capable of being disproved in the very case which he has chosen as a test of his theory, and which Mr. Wallace, co-founder of the theory, has expressly excepted from the action of what he believes to be a law to the rest of the organic world.

Man, when compared with the higher apes, presents bodily differences which are of very small value in classification. Professor Huxley admits the following as the only characters of importance, in separating the sub-order anthropidæ from the apes and lemurs:—the even and uninterrupted series of teeth, which present no break with the exception of the canines; the length of the great toe, which is nearly as long as the second; and the modifications in his structure consequent on the habitual attitude of standing erect. The great size and complexity of brain, on which Professor Owen founds his class Archencephala, is valueless in classification, because the variations in these respects exhibited by the quadrumana are greater than those presented by man on the one hand, and the quadrumana on the other. It is extremely probable that the non-development of the canines is owing to their gradual disuse as weapons, while the modifications in the skeleton have a definite relation to the erect carriage of man. Mr. Darwin therefore argues with considerable force, that even the small importance attached by Professor Huxley to these differences is too great, and that man ought to form merely a family or sub-family.

Nevertheless, it does not follow that man has been evolved from the higher apes through natural selection, although he were genetically descended from them. Professor Huxley has called attention to the important difference between artificial races and breeds on the one hand, and natural species on the

other—the one being fertile and the other infertile. This destroys the validity of the argument that because the one is the result of small variations selected by man, the other is the result of small variations selected by nature. There is also a fatal objection to a theory which presupposes that specific change has been brought about by minute variations, gradually accumulated, and transmitted from parent to offspring. In the well-known cases of the six-fingered Kellcia family, and of the bandy-legged breed of Ancon sheep in Massachusetts, an organic change of great magnitude suddenly appeared and was transmitted to the offspring. If these varieties may be produced *per saltum* by some unknown cause, and certainly not by natural selection, why should not species be also formed in the same way? The few cases of this kind on record altogether destroy the force of Mr. Darwin's argument. It is for him to show cause why man should not have been produced suddenly from a quadrumanous ancestor, and to bring forward proof that he was merely the result of the slow accumulation of certain favourable varieties *in the human direction*. Mr. Darwin's view professes to be based on a *posteriori* grounds. Can he show that one natural species has ever been gradually evolved by natural selection? To answer that animals have not been observed with sufficient care, or for a sufficient length of time, is merely a mode of confessing ignorance; and to quote variation under domestication is to beg the question whether artificial varieties are of the same value as natural species. So far as our experience tells us anything, it distinctly shows that artificial varieties are *not* equivalent to species in nature. The points of difference between man and the apes, which are of value from the natural history point of view, may have been brought about in part by natural selection; but Mr. Darwin has not brought forward evidence to prove that it was the sole cause.

There are, however, certain human organs which can be proved not to be capable of production on the Darwinian hypothesis, for they are adapted to a state of things far removed from all the habits and requirements of savage life; they are framed, not for his present, but for his future condition as a civilised being. The human brain is claimed by Mr. Wallace as an exception to the general law. The average cranial capacity, according to Drs. Davis and Morcton, is in the Teutonic family 94 cubic inches; in the Esquimaux 91; in the Negroes 85; in Australian 80.9; in Asiatics 87.1; and 77 in the Bushmen. In this respect, therefore, there is not much difference between civilised and savage man. It is evident that size

of brain stands in direct relation to high intellectual powers, since Cuvier, Goethe, and Napoleon, and other great intellects, have been possessed of large brains; while if the adult European possess a skull of less than 65 cubic inches of brain, he is invariably idiotic. If we proceed to compare the human with the quadrumanous brain, we find that the maximum size in the latter is reached in the gorilla, which contains only $34\frac{1}{2}$ cubic inches, although it is a creature far above the average size of man:—

‘We have seen,’ Mr. Wallace proceeds to argue, ‘that the average cranial capacity of the lowest savages is probably not less than *five-sixths* of that of the highest civilised races, while the brain of the anthropoid apes scarcely amounts to *one-third* of that of man, in both cases taking the average; or the proportions may be more clearly represented by the following figures—anthropoid apes 10; savages 26; civilised man 32. But do these figures at all approximately represent the relative intellect of the three groups? Is the savage really no further removed from the philosopher, and so much removed from the ape, as these figures would indicate? In considering this question, we must not forget, that the heads of savages vary in size, almost as much as those of civilised Europeans. Thus, while the largest Teutonic skull in Dr. Davis’ collection is 112·4 cubic inches, there is an American of 115·5, an Esquimaux of 113·1, a Marquesan of 110·6, a Negro of 105·8, and even an Australian of 104·5, cubic inches. We may therefore fairly compare the savage with the highest European on one side, and with the ourang, chimpanze or gorilla, on the other, and see whether there is any relative proportion between brain and intellect.’*

The range of intellectual power in man is enormous. No one could compare a senior wrangler with a savage incapable of counting beyond four, without realising the enormous chasm between them, and yet that chasm is not represented in a relative size of brain, and cannot be weighed, or measured, or detected by the most delicate analysis. The engine of thought in the savage is not very much inferior to that in the wrangler, and merely requires the motive power of circumstances to set it to work. Are then the conditions of savage life such as would be likely to evolve such an engine as this by natural selection?

‘Such races as the Andaman Islanders, the Australians, and the Tasmanians, the Digger Indians of North America, or the natives of Fuegia, pass their lives so as to require the exercise of few faculties not possessed in an equal degree by many animals. In the mode of capture of game or fish, they by no means surpass the ingenuity or forethought of the jaguar, who drops saliva into the water, and seizes the fish as they come to eat it; or of wolves and jackals, who hunt in

* Contributions to Theory of Natural Selection, p. 338.

packs; or of the fox who buries his surplus food till he requires it. The sentinels placed by antelopes and by monkeys, and the various modes of building adopted by field-mice and beavers, as well as the sleeping-place of the ourangutan, and the tree-shelter of some of the African anthropoid apes, may well be compared with the amount of care and forethought bestowed by many savages in similar circumstances. His possession of free and perfect hands, not required for locomotion, enable man to form and use weapons and implements which are beyond the physical power of brutes; but having done this, he certainly does not exhibit more mind in using them than do many lower animals. What is there in the life of the savage, but the satisfying of the cravings of appetite in the simplest and easiest way? What thoughts, ideas, or actions are there, that raise him many grades above the elephant or the ape? Yet he possesses, as we have seen, a brain vastly superior to theirs in size and complexity; and this brain gives him, in an undeveloped state, faculties which he never requires to use.' (*Wallace*, p. 342.)

It is clear, therefore, that the brain of savage man is far beyond his needs. How can it be accounted for by the principle of natural selection, or by the accumulation of small variations good for the individual? Its large size cannot be traced to circumstances of life, because it is quite disproportionate to the actual requirement; and even if once originated, ought, according to Mr. Darwin's theory, to have been lost by disuse. For if natural selection tends in some instances to raise a race of beings, it might tend in others to lower it; to a savage the organs and instincts of an animal might be more useful than the latent brain power of a sage. Mr. Darwin's answer to this, that man owes his immense superiority of brain to the invention of fire, and of weapons and implements, resulting directly from the development of his powers of observation, memory, curiosity, imagination, and reason, is not to the point, even if he can prove that these again are the result of natural selection. Mr. Wallace's objection is that the size of the brain over and above the savage needs, cannot be accounted for by their struggle for life, and that a steady slow increase of brain matter useless to the individual in the life-battle would be impossible. The accumulation of minute differences *not* demanded by the circumstances of life, is contrary to the very first principles of the Natural Selection theory. In this case there must be some other principle at work. And if we do not admit that latent capacities in the savage brain were implanted for use at some time in the distant future, we can only say that they are the result of a force which we do not know, and of a law which we have not grasped. We have but the alternative either to ascribe them to the operation of an Almighty Will, or simply to confess our total ignorance.

Neither can the structure of the larynx, or the delicate adjustment of parts by which it acquires such marvellous powers, be accounted for by the Natural Selection principle, because the faculty of song is not the least use to man in a state of savagery.

'With man (writes Mr. Darwin) song is generally admitted to be the basis or origin of instrumental music. As neither the enjoyment or capacity of producing musical notes are faculties of the least direct use to man in reference to his ordinary habits of life, they must be ranked among the most mysterious with which he is endowed. They are present, though in a very rude and, as it appears, almost latent condition, in men of all races, even the most savage; but so different is the taste of the different races, that our music gives not the least pleasure to savages, and their music is to us hideous and unmeaning. The musical faculties which are not wholly deficient in any race, are capable of prompt and high development, as we see with Hottentots and negroes, who have readily become excellent musicians, although they do not practise in their native countries anything that we should esteem as music. But there is nothing anomalous in this circumstance; some species of birds which never naturally sing can without much difficulty be taught to perform; thus the house-sparrow has learnt the song of the linnet. As these two species are closely allied, and belong to the order of *Insectores*, which includes nearly all the singing birds in the world, it is quite possible or probable that a progenitor of the sparrow may have been a songster. It is a much more remarkable fact that parrots, which belong to a group distinct from the *Insectores*, and have differently-constructed vocal organs, can be taught not only to speak, but to pipe or whistle tunes invented by man, so that they must have some musical capacity. Nevertheless it would be extremely rash to assume that parrots are descended from some ancient progenitor which was a songster. Many analogous cases could be advanced of organs and instincts originally adapted for one purpose, having been utilised for some quite distinct purpose. Hence the capacity for high musical development, which the savage races of man possess, may be due either to our semi-human progenitors having practised some rude form of music, or simply to their having acquired for some distinct purposes the proper vocal organs. But in this latter case we must assume that they already possessed, as in the above instance of the parrots, and as seems to occur with many animals, some sense of melody.' (Vol. ii. pp. 333, 334.)

Mr. Darwin does not face the difficulty offered by the problem to his theory. Even if it be granted that the song of the linnet and the chirping of the house-sparrow be derived ultimately from what he terms 'sexual selection,' the latent capacity in the sparrow of learning the song of the linnet, is a difficulty which cannot be overcome. For how could it have originated by the gradual accumulation of small variations, seeing that it is seldom or never exercised in a state of nature? The

comparison of the musical powers of sparrows with those of Hottentots is hardly fair, since the sparrow merely imitates the linnet mechanically, while the Hottentots and Negroes strike out melodies of their own, which are not mere copies of the music of the higher civilisation. Nor is it any explanation to say that the musical capacity of savages may be due to the rude practice of music by their ancestry, for in that case, to apply Mr. Darwin's own principles, it would have been lost through long disuse. Mr. Wallace admits (p. 350) that it is one of those things which cannot be accounted for by the principle which he advocates:—

‘The habits of savages give no indication of how this faculty could have been developed by natural selection; because it is never acquired or used by them. The singing of savages is a more or less monotonous howling, and the females seldom sing at all. Savages certainly never choose their wives for fine voices, but for rude health, and strength, and physical beauty. Sexual selection could not therefore have developed this wonderful power which only comes into play among civilised people. It seems as if the organ had been prepared in anticipation of the future progress of man, since it contains latent capacities which are useless to him in his earlier condition. The delicate correlations of structure that give it such marvellous powers could not therefore have been acquired by means of natural selection.’

Without calling in the aid of teleology, or some law now unknown, the capacities of the human larynx are incapable of explanation. The mode of formation of the ear and eye in man and the higher animals, also afford a crushing argument against Mr. Darwin:—

‘The eye (writes Mr. Mivart*) is formed by a simultaneous and corresponding ingrowth of one part and outgrowth of another. The skin in front of the future eye becomes depressed, the depression increases and assumes the form of a sac, which changes into the aqueous humour and lens. An outgrowth of brain substance, on the other hand, forms the retina, while a third process is a lateral ingrowth of connective tissue, which afterwards changes into the vitreous humour of the eye. The internal ear is formed by an involution of the integument, and not by an outgrowth of the brain. But tissue in connexion with it, becomes in part changed, thus forming the auditory nerve, which places the tegumentary sac in direct communication with the brain itself.’

These complex and simultaneous co-ordinations could not have been produced by small beginnings, since they are useless until the requisite junctions are effected. In this case without definite purpose, it is hard to believe how the simul-

* *Genesis of Species*, p. 51.

taneous changes in one direction could be effected, and it is incredible that they should have been brought about by a combination of chances. Mr. Murphy has very ably treated the difficulties offered by the eye to the Darwinian hypothesis in his work on 'Habit and Intelligence.' On this, and similar points of the subject, we willingly contrast the loose and inconclusive conjectures of Mr. Darwin, with the exquisite force and skill with which the adaptation of the various parts of the human frame to their appropriate objects, was demonstrated by Sir Charles Bell in his 'Treatise on the Hand.'

The doctrine of Natural Selection is therefore hopelessly inadequate to the explanation of the phenomena offered by man's body; but its truth or falsehood have no necessary connexion with the theory of evolution. The results of the study of embryology and physiology point to the descent of man from the lower animals, not by natural selection, but by the working of a law which has not yet been revealed by the scalpel. If the brain, the ear, the eye, and the larynx in the lowest savage, be not ordered for the achievement of the highest ends of civilisation, if they be not talents intrusted to the human race, they cannot be accounted for in any other way. Natural selection has doubtless exerted great influence in modifying form, but it has not yet been proved in any one case of being capable of turning varieties into species, or of originating a new organ or capacity. There must therefore be some principle at work which is not natural selection, some force which has eluded the grasp of the naturalist.

Still less can the theory be said to explain the phenomena of mind. We owe indeed to Mr. Darwin some gratitude for his attempt to explain the origin of the intellectual faculties by a purely materialistic argument, since his failure is that of one of the greatest natural philosophers who has ever attempted to approach this most difficult problem. His point of view is one peculiarly his own, as he takes merely the aspect offered by natural history. It might indeed occur to some that this method of dealing with the subject would be about as likely to result in the discovery of truth as that of a chemist who should approach the deepest and most abstruse phenomena presented by physiology by means of analysis, without taking into account the vital processes which transcend his skill. Such an investigation would obviously lead to an erroneous conclusion. Mr. Darwin, before he can fairly argue from matter to mind, must prove that they are both the same in kind, which is manifestly impossible. We do not intend to enter into the metaphysical relation of one to the other, but we shall

examine what Mr. Darwin has to say in favour of his views, which, if true, will revolutionise philosophy and profoundly affect society. If our intellect and moral sense be mere developments of certain elements in the lower animals by natural selection, man is merely a superior sort of brute, the great Ruler of the world a mere shadow of ourselves projected by our imagination, and our morality a mere instinct of the same order as that which rules the actions of the worker-bee. Mr. Darwin states that his argument does not touch the question of the existence of a God, but it completely destroys the objective value of any idea which we can form of Him, and this practically amounts to the same thing. A full discussion of these momentous questions is beyond the limits of a review. We can only analyse the evidence which it brings forward in favour of such far-reaching conclusions.

Mr. Darwin, after having enumerated the bodily links which connect man with brute, proceeds to the inquiry whether his mental attributes are not in like manner descended, and to see whether there be any fundamental difference between them in man and the higher animals. At the very outset he makes an admission which destroys the basis of his future argument.

‘Such variations appear to arise from the same unknown causes acting on the cerebral organisation, which induce slight variations or individual differences in other parts of the body; and these variations, owing to our ignorance, are often said to arise spontaneously. We can, I think, come to no other conclusion with respect to the origin of the more complex instincts, when we reflect on the marvellous instincts of sterile worker-ants and bees, which leave no offspring to inherit the effects of experience and modified habits.

‘Although a high degree of intelligence is certainly compatible with the existence of complex instincts, as we see in the insects just named and in the beaver, it is not improbable that they may to a certain extent interfere with each other’s development. Little is known about the functions of the brain, but we can perceive that as the intellectual powers become highly developed, the various parts of the brain must be connected by the most intricate channels of intercommunication; and as a consequence each separate part would perhaps tend to become less well-fitted to answer in a defined and uniform, that is instinctive, manner to particular sensations or associations.

‘I have thought this digression worth giving, because we may easily underrate the mental powers of the higher animals, and especially of man, when we compare their actions founded on the memory of past events, on foresight, reason and imagination, with exactly similar actions instinctively performed by the lower animals; in this latter case the capacity of performing such actions having been gained, step by step, through the variability of the mental organs and natural selection, without any conscious intelligence on the part of the animal

during each successive generation. No doubt, as Mr. Wallace has argued, much of the intelligent work done by man, is due to imitation and not to reason ; but there is this great difference between his actions and many of those performed by the lower animals, namely, that man cannot on his first trial, make, for instance, a stone hatchet or a canoe, through his power of imitation. He has to learn his work by practice ; a beaver, on the other hand, can make its dam or canal, and a bird its nest, as well, or nearly as well, the first time it tries, as when old and experienced.' (Vol. i. p. 38.)

If 'unknown causes' bring about simple variations, what right has Mr. Darwin to attribute them to the operation of natural selection? To attribute an effect to an unknown cause, is merely a mode of confessing ignorance. Mr. Darwin in this passage has stated an argument against the truth of his views with great fairness. If we cannot be sure in the comparison of the actions performed by the lower animals with similar actions performed by the mental powers of man, that the same mode of reasoning is employed in each, we are liable to great error in interpreting their actions by our own motives. If I interpret the mental processes of a beaver by my own standard, I am guilty of an anthropomorphism quite as great as that which the materialists lay to the account of theologians, and I can be proved to be in error by an appeal to facts. Does the spider know mechanics, or is the bee acquainted with geometry, because *we* could not bring about the same results without a knowledge of these sciences? When Mr. Darwin admits that he does not know how variations are brought about, he forsakes the very key of his position, and when he further allows that similar actions in brutes may be attributed to dissimilar causes, he invalidates his own reasoning from our actions to those of the brutes.

The lower animals, like man, feel pleasure and pain, happiness and misery, and are possessed of the same emotions of terror, suspicion, love, and revenge. The more complex emotions also are common property ; a dog is jealous of his master's affection if lavished on any other creature, which proves that he not only loves, but has the desire to be loved. Animals love praise, and in the case of dogs and horses feel emulation. The hunter and the hound enjoy the sport almost equally with their master. 'There can be no doubt,' writes Mr. Darwin, 'that a dog feels shame as distinct from fear, and something very like modesty when begging too often for food. A great dog scorns the snarling of a little dog, and this may be called magnanimity. Several observers have stated that monkeys certainly disliked being laughed at, and they sometimes invent imaginary offences. In the Zoological Gardens I saw

'a baboon who always got into a furious rage when its keeper took out a letter or book and read it aloud to him, and his rage was so violent that, as I witnessed on one occasion, he bit his own legs until the blood flowed.' All animals feel wonder, and many exhibit curiosity, the latter quality affording opportunity for hunters, in many parts of the world, to decoy the game into their power. The faculty of imitation, so strongly developed in man, especially in a barbarous state, is present in monkeys. A certain bull-terrier of our acquaintance, when he wishes to go out of the room, jumps at the handle of the door and grasps it with his paws, although he cannot himself turn the handle. Parrots also reproduce with wonderful fidelity the tones of voice of different speakers, and puppies reared by cats have been known to lick their feet and wash their faces after the same manner as their foster-mothers. Attention and memory also are present in the lower animals, and it is impossible to deny that the dreams of dogs and horses show the presence of imagination, or that a certain sort of reason is not also present. Animals also profit by experience, as any man realises who sets traps. The young are much more easily caught than the old, and the adults gain caution by seeing the fate of those which are caught. Tools also are used by some of the higher apes. The chimpanzee uses a stone to crack a nut resembling a walnut, and the Abyssinian baboons (*C. gelada*) fight troops of another species (*C. hamadryas*), and roll down stones in the attack before they finally close in a hand-to-hand encounter. The idea of property is common also to every dog with a bone, to all birds with their nests, and notably in the case of rooks. Nor can a certain kind of language be denied to the brutes. The dog communicates his feelings by barks of different tones, which undoubtedly raise in his fellow dogs ideas similar to those passing in his own mind. It is universally allowed that in all these particulars the mental constitution of man strongly resembles that of the higher animals. But here we part company with Mr. Darwin.

Articulate speech, Mr. Darwin allows, is peculiar to man. Not the mere power of articulation, for parrots can talk, but the large power of connecting definite sounds with definite ideas, which depends on the development of the mental faculties. Mr. Darwin, p. 54, places the intellectual powers as the cause, and articulate speech as the effect. The latter he derives, a few pages further on, directly from the cries and sounds of animals.

'I cannot doubt that language owes its origin to the imitation and modification, aided by signs and gestures, of various natural sounds,

the voices of other animals, and man's instinctive cries. When we treat of sexual selection we shall see that primeval man, or rather some early progenitor of man, probably used his voice largely, as does one of the gibbon-apes at the present day, in producing true musical cadences, that is in singing; we may conclude from a widely-spread analogy that this power would have been especially exerted during the courtship of the sexes, serving to express various emotions, as love, jealousy, triumph, and serving as a challenge to their rivals. The imitation by articulate sounds of musical cries might have given rise to words expressive of various complex emotions. As bearing on the subject of imitation, the strong tendency in our nearest allies, the monkeys, in microcephalous idiots, and in the barbarous races of mankind, to imitate whatever they hear, deserves notice. As monkeys certainly understand much that is said to them by man, and as in a state of nature they utter signal-cries of danger to their fellows, it does not appear altogether incredible, that some unusually wise ape-like animal should have thought of imitating the growl of a beast of prey; so as to indicate to his fellow monkeys the nature of the expected danger. And this would have been a first step in the formation of a language.' (Vol. i. p. 56.)

We ask for the evidence that at the present day any unusually wise ape has ever been known to imitate the cry of a wild beast, so as to indicate its presence to its fellows? Why also, if the first stage of articulate development began in musical cadences, by which the chords of the voice were strengthened and gradually perfected, and if the second consisted in the imitation of other sounds, have not the birds evolved for themselves an articulate language, seeing that they exercise their voices at least as much as any of the higher animals? The American mocking-bird imitates the cries of other birds, and has exercised its vocal chords acquired on the hypothesis during courtship. Why does it not speak? This mode of accounting for human speech covers too wide a field. If it be true in the case of man, why is it not equally true in the case of birds? The answer that their intellect is not sufficiently highly developed, merely refers the difficulty back to the cause by which the intellectual difference is brought about. And this Mr. Darwin, as we shall presently see, believes to have been caused in great part by articulate speech. Mr. Darwin can hardly mean, in the passage just quoted, that monkeys understand very much that is said to them by man, in any other sense than a dog may be said to understand, that is to say, the gestures, the tone of voice, and the expression of the countenance, not that they can grasp the meaning of any abstract term. A broken chain of loosely stated facts such as this cannot prove anything.

The second stage in the evolution of language is that in

which the vocal organs were strengthened and perfected by the inherited effects of use, and this would react on the power of speech. 'But,' Mr. Darwin goes on to say, 'the relation between the continued use of language and the development of the brain has no doubt been far more important. The mental powers in some early progenitor of man must have been more highly developed than in any existing ape, before even the most imperfect form of speech could have come into use; but we may confidently believe that the continued use and advancement of this power would have reacted on the mind by enabling and encouraging it to carry on long trains of thought. A long and complex train of thought can no more be carried on without the aid of words whether spoken or silent, than a long calculation without the use of figures or algebra.' Articulate speech undoubtedly stands in the closest relation to the development of mental powers. Mr. Darwin indeed admits that, 'the fact of the higher apes not using their vocal organs for speech no doubt depends on their intelligence not having been sufficiently advanced. The possession by them of organs, which, with long-continued practice, might have been used for speech, although not thus used, is paralleled by the case of many birds which possess organs fitted for singing though they never sing.' How then is the origin of intelligence accounted for? Mr. Darwin states that it is merely the development by natural selection of those emotions and faculties which exist in the lower animals, such as love, memory, curiosity, imitation, and the like, by the gradual accumulation of variations through the principles of inheritance. But if this be true, why have not these faculties, so widely spread in the lower animals, borne fruit in a corresponding cerebral development? If all the essentials of our intelligence exist in the lower animals, why have they not produced something approaching to our intellect in some one of the innumerable forms of life? The fact that they have not done so renders the theory very improbable.

Articulate speech stands undoubtedly in direct relation to intellectual faculty, and that again to the large size of the brain in man, which, as we have seen, cannot be accounted for by natural selection. Whether or no language sprang originally from the imitation of the noises of nature—and for the arguments for and against, we would refer to the works of Max Müller, Lubbock, and Tylor—Mr. Darwin has not adduced one shred of proof that it is merely descended in an unbroken line from the cries of animals. Man's intellect would

however use those emotional and interjectional sounds which are merely the physical expression of its wants and which, like the body, are links connecting man with the lower animals. After language was once originated a struggle for life would at once begin, as Max Müller remarks, in which the most favoured words and forms would survive the less favoured. And thus, although Mr. Darwin's principle cannot account for the origin of language, which we agree with Max Müller in considering beyond the powers of our analysis, it accounts to a great extent for the differences in dialects and forms of speech.

But if Mr. Darwin's explanation of language be unsatisfactory, still more so is his theory of the derivation of those intellectual faculties which are undoubtedly peculiar to mankind, such as self-consciousness, abstraction, and the power of forming general ideas. If he can show that they are descended from certain rudiments in the lower animals, it must be admitted that our intellect is the same in kind with what passes for intellect in the brutes. He does not even venture to discuss them, for the very singular reason that writers have given them different definitions:—

'It would be useless (he writes) to attempt discussing these high faculties, which, according to several recent writers, make the sole and complete distinction between man and the brutes, for hardly two authors agree in their definitions. Such faculties could not have been fully developed in man until his mental powers had advanced to a high standard, and this implies the use of a perfect language. No one supposes that one of the lower animals reflects whence he comes or whither he goes—what is death or what is life, and so forth. But can we feel sure that an old dog with an excellent memory and some power of imagination, as shown by his dreams, never reflects on his past pleasures in the chase? And this would be a form of self-consciousness. On the other hand, as Büchner has remarked, how little can the hard-worked wife of a degraded Australian savage, who uses hardly any abstract words and cannot count above four, exert her self-consciousness, or reflect on the nature of her own existence.'

It is certainly very prudent in Mr. Darwin to pass over those points which afford insuperable obstacles to his theory of natural selection as applied to mind; but their omission destroys the value of the argument. We cannot of course prove the negative that dogs have no self-consciousness, but the *onus probandi*, that they have, rests with Mr. Darwin. An appeal to the Australian savage will hardly help to bridge over the mental difference between men and animals, for although in a state of nature he does not exert his mental faculties, they are brought out by education. How this latent capacity was acquired, and why it is not lost by disuse in a state of nature,

are questions which cannot be answered by an appeal to natural selection.

We hold, therefore, that Mr. Darwin has signally failed in advancing proof, that either articulate language, or the higher faculties of the human mind, have been evolved by any known law from the cries or mental attributes of animals. Whatever kinship man may have with the brutes in bodily structure, and in some of the senses and faculties, these form a barrier between man and the brute, which cannot be accounted for in the present state of our knowledge, and which are wholly inexplicable on the Darwinian theory.

The universal belief in the supernatural is held by Mr. Darwin to be the result of the development of the intellectual faculties:—

‘Nor is it difficult to comprehend how it arose. As soon as the important faculties of the imagination, wonder and curiosity, together with some power of reasoning, had become partially developed, man would naturally have craved to understand what was passing around him, and have vaguely speculated on his own existence. . . . The belief in spiritual agencies would soon pass into the belief in the existence of one or more gods. For savages would naturally attribute to spirits the same passions, and the same love of vengeance, or simplest form of justice, and the same affections which they themselves experienced. . . . The feeling of religious devotion is a highly complex one, consisting of love, complete submission to an exalted and mysterious superior, a strong sense of dependence, fear, reverence, gratitude, hope for the future, and perhaps other elements. No being could experience so complex an emotion until advanced in his intellectual and moral faculties, to at least a moderately high level. Nevertheless we see some distant approach to this state of mind in the deep love of a dog for his master, associated with complete submission, some fear, and perhaps other feelings. The behaviour of a dog when returning to his master after an absence, and, as I may add, of a monkey to his beloved keeper, is widely different from that towards their fellows. In the latter case, the transports of joy appear to be somewhat less, and the sense of equality is shown in every action.’

The comparison of the feeling of religious devotion in man, with the emotions of dogs and monkeys, would be unworthy of notice had it been made by any man less distinguished than Mr. Darwin. A belief in the supernatural is present in the one; can Mr. Darwin show that it is present in the other? The comparison of unlike things very often leads him into error. He compares, for instance, the belief of savages that natural objects are animated by living essences, with the barking of a ‘very sensible’ dog at a parasol moved by the wind on a lawn, ‘which must have reasoned to himself in a ‘rapid and unconscious manner, that movement without any

'apparent cause indicated the presence of some strange living agent, and that no stranger had a right to be on his territory.' What right has he to attribute to the lower animals human motives? To reason from man to dog is as absurd as from dog to man.

Mr. Darwin deals with religion as summarily as he has dealt with the higher faculties of the human mind:—

'The same high mental faculties which first led man to believe in unseen spiritual agencies, then in fetishism, polytheism, and ultimately in monotheism, would infallibly lead him, as long as his reasoning powers remained poorly developed, to various strange and superstitious customs. Many of these are terrible to think of—such as the sacrificing of human beings to a blood-loving god; the trial of innocent persons by the ordeal of poison or fire, witchcraft, &c. Yet it is well occasionally to reflect on these superstitions, for they show us what an infinite debt of gratitude we owe to the improvement of our reason, to science, and our accumulated knowledge. As Sir J. Lubbock has well observed, "It is not too much to say that the horrible dread of unknown evil hangs like a thick cloud over savage life, and embitters every pleasure." These miserable and indirect consequences of our highest faculties may be compared with the incidental and occasional mistakes of the instincts of the lower animals.' (Vol. i. p. 68.)

So far as we can gather the meaning of this remarkable passage, our idea of a God is a mere reflection of ourselves, without objective reality, the inevitable result of the activity of our minds. The passage, as it stands, presents difficulties greater than those which it seeks to explain. How can we feel grateful 'to the improvement of our reason, to science, and accumulated knowledge,' to a mere abstraction, instead of a personal being? By what standard of right and wrong are the instincts of the lower animals to be judged? Is it possible for an instinct to be a mistake, and yet to be at the same time the result of the accumulation of variations good to the individual by natural selection? If that theory be true a mistake would be impossible. Mr. Darwin in this case also has not advanced any proof that we worship a God which is a mere expression of our own high mental activity, and not the cause of it. He has merely involved himself in a maze of difficulties and contradictions. The question of the existence of a God who may be revealed to us need not be discussed, because it is not affected in the least degree by this argument. The lowest savage who worships a block of wood or stone does in fact express a sublime conception under a gross material form; but that single act of *worship*, even misapplied, severs him by an infinite chasm from the whole brute creation, which has, as far as we know, no conception of spiritual power.

We must now pass on to the view which Mr. Darwin takes of the origin of our moral sense; the noblest attribute of our being, summed up in the short, but imperious word, *ought*, so full of high significance. He approaches this most difficult problem partly because it is a stumbling-block in the way of the theory of natural selection, and partly because no one has examined it exclusively from the side of natural history:—

‘The following proposition seems to me in a high degree probable—namely, that any animal whatever, endowed with well-marked social instincts, would inevitably acquire a moral sense or conscience, as soon as its intellectual powers had become as well developed, or nearly as well developed, as in man. For, *firstly*, the social instincts lead an animal to take pleasure in the society of its fellows, to feel a certain amount of sympathy with them, and to perform various services for them. The services may be of a definite and evident instinctive nature, or there may be only a wish and readiness, as with most of the higher social animals, to aid their fellows in certain general ways. But these feelings and services are by no means extended to all the individuals of the same species, only to those of the same association. *Secondly*, as soon as the mental faculties had become highly developed, images of all past actions and motives would be incessantly passing through the brain of each individual; and that feeling of dissatisfaction which invariably results, as we shall hereafter see, from any unsatisfied instinct, would arise as often as it was perceived that the enduring and always present social instinct has yielded to some other instinct, at the time stronger, but neither enduring in its nature, nor leaving behind it a very vivid impression. It is clear that many instinctive desires, such as that of hunger, are in their nature of short duration; and after being satisfied are not readily or vividly recalled. *Thirdly*, after the power of language had been acquired, and the wishes of the members of the same community could be distinctly expressed, the common opinion how each member ought to act for the public good would naturally become to a large extent the guide to action. But the social instincts would still give the impulse to act for the good of the community, this impulse being strengthened, directed, and sometimes even deflected by public opinion, the power of which rests, as we shall presently see, on instinctive sympathy. *Lastly*, habit in the individual would ultimately play a very important part in guiding the conduct of each member; for the social instincts and impulses, like all other instincts, would be greatly strengthened by habit, as would obedience to the wishes and judgment of the community.’ (Vol. i. pp. 71, 72.)

This view of morals, like that of religion, is fundamentally based upon the gradual intellectual development of mankind. The very first proposition that any animal endowed with well-marked social instincts would have a conscience, is a mere crude hypothesis, incapable of being put to any test. It is, so far as our experience goes, an impossible case. Mr. Darwin takes care that its meaning may not be overlooked. If men

were reared, he says, under the same conditions as hive-bees, 'there can hardly be a doubt that our unmarried females would, like the worker-bees, think it a sacred duty to kill their brothers, and mothers would strive to kill their fertile daughters; and no one would think of interfering.' They would indeed so act from a strict sense of duty, comparable to that which leads us very frequently to sacrifice ourselves for the good of others. The sense of right and wrong, according to this view, is no definite quality, but merely the result of the working together of a series of accidents controlled by natural selection for the general good. We need hardly point out that if this doctrine were to become popular, the constitution of society would be destroyed; for if there be no objective right and wrong, why should we follow one instinct more than the other, excepting so far as it is of direct use to ourselves?

The three stages by which Mr. Darwin derives our moral sense from certain rudiments in the lower animals, are worthy of careful analysis. Many animals are social, act in concert, and mutually defend each other, and the impulse which leads them to herd together may be of the same kind as that by which human communities are formed. It is probable, Mr. Darwin writes, using strange language for a materialistic philosopher, that the senses of discomfort when alone, and of pleasure when in company,

'were first developed in order that those animals which would profit by living in society should be induced to live together. In the same manner as the sense of hunger and the pleasure of eating were no doubt first acquired in order to induce animals to eat. The feeling of pleasure in society is probably an extension of the parental or filial affections; and this extension may be in chief part attributed to natural selection, but perhaps in part to mere habit. For with those animals which were benefited by living in close association, the individuals which took the greatest pleasure in society would best escape various dangers; whilst those that cared least for their comrades and lived solitary would perish in greater numbers. With respect to the origin of the parental and filial affections, which apparently lie at the basis of the social affections, it is hopeless to speculate; but we may infer that they have been to a large extent gained through natural selection. So it has almost certainly been with the unusual and opposite feeling of hatred between the nearest relations, as with the worker-bees which kill their brother drones, and with the queen bees which kill their daughter queens; the desire to destroy, instead of loving, their nearest relations having been here of service to the community.'

It appears to us that Mr. Darwin in this passage completely contradicts his own argument. If the moral sense be derived

from the social instincts, and those again are based upon the parental and filial affections, about the origin of which it is hopeless to speculate, it is very strange that Mr. Darwin should have advanced a speculation which he himself looks upon as hopeless. Why should we infer that they have been gained through natural selection? The social instincts doubtless benefit the community, and thus indirectly the individual, but that this utility is the cause rather than the effect we have no evidence.

We come now to the second stage of the hypothesis. There are two series of instincts, the one social and enduring, and looking to the general good, and the other looking to the individual and less persistent. The approval of conscience is merely an unhesitating obedience to the first, while disobedience causes regret and remorse. We deny the fairness of a comparison between 'social instincts' and those qualities which are instincts in animals. The respect for property, or law, or the voice of society, cannot fairly be termed instincts, because, as Mr. Darwin himself has shown in defining instinct from imitation, these virtues are not transmitted in the same unerring way. They are gradually acquired by the infant, and are in no sense comparable to the impulse by which a bird builds a nest. The first trial of the bird is as perfect as the last, while the social virtues are slowly recognised and embraced by the child, and by continual habit become quasi-instinctively followed. Mr. Darwin is not justified in overlooking this most important difference between what he terms 'the social instinct' in man and the instinct of the lower animals. This portion of the argument is founded on a false analogy.

The third stage consists of the evolution of public opinion expressed through a language more or less perfect, by which the common good would form the standard up to which each person would act; and lastly, the tendency to act for the common good would become inherited, and the habit gradually come to be an instinct. And thus our sense of right and wrong is gradually evolved by natural selection, without the necessity of the interference of any other law. It is merely the result of the working of the principle of utility in our natures. Right is merely what is found by experience or ruled to be for the good of society; and wrong that which is hurtful or which is deemed so.

These views are, strictly speaking, utilitarian, but their basis is shifted from that of selfishness, or 'the greatest happiness principle,' to that of the general good. If they be

true, they must explain the phenomena of morals, and our virtuous actions must be essentially founded on a utilitarian basis. But how could this have been brought about through the agency of natural selection? Would it be possible for a being, acting for the good of society, gradually to acquire the idea of right by the exercise of his social instincts? He could only perfect them, and could not, on the hypothesis, separate the useful from the right. Mr. Wallace has discussed this point most admirably:—

‘Although the *practice* of benevolence, honesty, or truth may have been useful to the tribe possessing these virtues, that does not at all account for the peculiar *sanctity* attached to actions which each tribe considers right and moral, as contrasted with the very different feelings with which they regard what is merely *useful*. The utilitarian hypothesis (which is the theory of natural selection applied to the mind) seems inadequate to account for the development of the moral sense. This subject has been recently much discussed, and I will here only give one example to illustrate my argument. The utilitarian sanction for truthfulness is by no means very powerful or universal. Few laws enforce it. No very severe reprobation follows untruthfulness. In all ages and countries, falsehood has been thought allowable in love, and laudable in war; while at the present day it is held to be venial by the majority of mankind, in trade, commerce, and speculation. A certain amount of untruthfulness is a necessary part of politeness in the east and west alike, while even severe moralists have held a lie justifiable to elude an enemy or prevent a crime. Such being the difficulties with which this virtue has had to struggle, with so many exceptions to its practice, with so many instances in which it brought ruin or death to its too ardent devotee, how can we believe that considerations of utility could ever invest it with the mysterious sanctity of the highest virtue—could ever induce men to value it for its own sake, and practise it regardless of consequences?’ (P. 352.)

We do not see what answer either Mr. Mill or Mr. Darwin can make to this argument. Or again, supposing we test Mr. Darwin’s view of the origin of regret and remorse on his own principles:—

‘At the moment of action, man will no doubt be apt to follow the stronger impulse; and though this may occasionally prompt him to the noblest deeds, it will far more commonly lead him to gratify his own desires at the expense of other men; but after their gratification, when past and weaker impressions, and contrasted with the ever-enduring social instincts, retribution will surely come. Man will then feel dissatisfied with himself, and will resolve, with more or less force, to act differently for the future. This is conscience; for conscience looks backwards and judges past actions, inducing that kind of dissatisfaction which, if weak, we call regret, and if severe, remorse.’

Remorse is, according to this very remarkable view, merely

a sort of regret which flows from the not having followed a persistent instinct. But so far from the two feelings being the same in kind, they are utterly distinct. The man who has killed his friend by an accident, would feel keen regret, but would he suffer the tortures of humiliation and agony and despair which would inevitably follow a deliberate murder, and which prompt hardened criminals to yield themselves up to punishment? In the latter case there is regret, but it is covered by a deeper and more powerful feeling of remorse. And how could this have been acquired by natural selection or the working of the utility principle? It does not promote the good, or the happiness, or the self-interest of the individual, and so far as society is concerned, the lower feeling of regret would be equally useful. It cannot therefore be accounted for on the Darwinian hypothesis of the evolution of morals. Or again, if we appeal to the virtues of care and respect for the infirm and aged, how could they have sprung from the blind workings of feelings good for society, seeing that, to say the least, the trouble of their maintenance more than counterbalances the profit which society obtains from their experience? The weakly and the infirm act injuriously to society by leaving a weak and sickly offspring. On the principle of natural selection the Fijian custom of killing the adults at the first approach of old age, or the Esquimaux practice of deserting the aged and the infirm, ought to be universal. In all these cases, as Mr. Hutton has justly remarked, in combating the utilitarian genesis of morals, advocated by Mr. Spencer, 'we cannot *inherit* more than our fathers *had*.' No amount of the accumulation of the experiences of utility could give origin to a feeling in which utility not only had no share, but to which it was, if anything, antagonistic.

Even in the statement of his own views, Mr. Darwin contradicts himself. In p. 88 he defines 'a moral being to be one 'who is capable of comparing his past and future actions, or 'motives, and of approving or disapproving of them. We have 'no reason to suppose that any of the lower animals have this 'capacity; therefore when a monkey faces danger to rescue 'its comrade, or takes charge of an orphan monkey, we do not 'call its conduct moral.' How can this be reconciled with what seems to be the extension of the moral sense to dogs? (p. 92): 'The imperious word *ought* seems merely to imply the consciousness of the existence of a persistent instinct, either 'innate or partly acquired, serving him as a guide, though 'liable to be disobeyed. We hardly use the word *ought* in a 'metaphorical sense, when we say hounds ought to hunt,

'pointers to point, and retrievers to retrieve their game. If 'they fail thus to act they fail in their duty, and act wrongly.' He also assumes in his argument the truth of propositions which are undoubtedly false. We should like to know, for instance, where Mr. Darwin finds the 'ever-present instinct 'of sympathy and good will,' on which, in his view, the moral sense depends. It is certainly not to be found in any of the busy haunts of men. The highest precept of morals is 'to 'return good for evil, to love your enemies, and do good to 'them that despitefully use you.' But that doctrine has not yet become an instinct, as every one of us can feel for himself. Mr. Darwin, in thus raising his standard of right and wrong on human sympathy and good will, must be thinking of some Utopia that has not yet been realised on this earth.

We may sum up Mr. Darwin's attempt to explain the growth of the moral sense in man, from rudiments in the lower animals by means of natural selections, as failing in every point. It does not explain any of those facts which we know from our own feelings to be true, and it is full of difficulties and contradictions. It has indeed failed, as any attempt from the natural history point of view might be expected to fail. We cannot account by any known natural laws for the moral sense or any of the virtues, or for the great intellectual superiority of man over the brutes. If they be not God-implanted, they baffle our powers of analysis. But whatever view be taken of their origin, they raise a barrier between us and the brutes which cannot be passed by the natural selection theory. On the one side stands man, gifted with articulate speech, conscience, and reason, able to look into the universe, and to rule its laws to his own advantage, and able also, as the materialists seem to forget, to look inwards and analyse his own mental condition. On the other are the beasts, subject to natural laws, without knowledge of the past or hope for the future, and gifted with just enough understanding to fit them for their conditions of life. To measure man's superiority over the brute by his bodily frame is the only method by which a naturalist can construct his system; but to proceed to say that there is a corresponding identity of mental character between man and brute, is to refuse to acknowledge facts in psychology which are as well ascertained as any of those in natural history. Till Mr. Darwin can show that the higher faculties of the human mind, such as the power of abstract thought and of forming general ideas, are merely developed from rudiments in the brutes by natural selection, his conclusion that the human mind is the same in

kind with that in the brutes is a mere assertion without proof. To discuss the problem with these important factors left out, is to play 'Hamlet' with the character of Hamlet left out.

But if all those non-physical characters on which our humanity depends could not be originated by natural selection, it may be admitted that they have been perfected by it. Small variations in intelligence are accumulated by a kind of natural selection from father to son, and every-day life consists of a keen competition which must on the whole tend to increase the powers of reason, in the same way that exercise strengthens a blacksmith's arm. The differences in the faculty of the lowest savage and that of a Shakspeare or a Goethe may be taken to be a measure of the power of natural laws, some known and some unknown, to modify intelligence, but even here the manifestation of the highest intellect is not the result of the accumulation of a small series of variations. Great men are not the crown and apex of a long line of ancestors gradually rising from the common herd; but they appear suddenly, *per saltum* as the naturalist would say, or, as it were, God-sent. None inherit their extraordinary faculties. The survival of the fittest is of course a necessary law of our being, but not the only law; it does not originate, but it merely moderates, what is brought before it, and weeds out what is hurtful to the individual.

We will now return to the bodily attributes of man, on which Mr. Darwin is to be listened to with great respect. The erect posture he attributes to a gradual change of habit in our ancestors, on our walking on the ground, and on the great value which the hands would be for various purposes. The peculiarly human modifications of the vertebrate structure caused by this change has probably given to man those characters by which he is known to the naturalist from the quadrupeds. They may possibly be due in part to natural selection; but we cannot be sure that the habit of walking erect was first attained by that means. The nakedness of our skin, which Mr. Wallace ascribes to a supernatural agency, and the variation in colour in different races, he attributes to the action of sexual selection, or the varying tastes which have led women to choose their partners, and *vice versâ*. To this principle we shall recur presently.

Although the human race has most extraordinary powers of resisting the force of external conditions, yet in some cases change of condition acts directly on the human body. In the United States, for instance, the measurements of more than one million soldiers who served in the late war, proves that a

residence in the Western States during the years of growth tends to increase stature. On the other hand, a seafaring life delays growth according to the investigations of Mr. Gould. The large size of the bodies and the great thoracic capacity of the Aymara Indians has been traced by Mr. Forbes to their living on a lofty plateau from ten to fifteen thousand feet above the sea. With regard to the blackness of the negroes, we differ from Mr. Darwin, and we are inclined to ascribe it to the direct action of the sun in the torrid zone, rather than to the capricious taste of men and women in choosing their partners; and for this reason, which Mr. Darwin omits to notice, that although a black absorbs more heat than a light-coloured skin, it yields it up with much greater freedom and without blistering.* Mr. Darwin's argument against this view, derived from the distribution of the variously-coloured races, which does not coincide with corresponding differences of climate, and from the fact that the Dutch settlers in South Africa have undergone a slight change in three hundred years, has no bearing on the question. It merely implies the improbability of the colour having been brought about by gradual variation, but not if it were originated by a sudden variation, as in a case quoted by Dr. Wells.† Hannah West was born from fair parents in Sussex, and was of light complexion, excepting that her left shoulder, arm, fore-arm, and hand, were covered with a jet black skin. We may note in passing, that this remarkable change could not have been brought about by natural selection. Had a variety of this kind once sprung up among the ancient dwellers of the torrid zone in Africa, it is only reasonable to suppose that it would gradually have spread over the continent, because it is better fitted to endure a hot climate than the white skin. The probability that negroes have thus originated, suddenly, and not by natural selection, is considerably increased by the well-known cases to which we have alluded, of the sudden appearance of the short-legged Ancon sheep and of the six-fingered *Kelleia* family, in each of which the peculiarity suddenly obtained was handed down by inheritance. Were a variety of this kind to spring up among the Dutch, it is very probable that it would spread over Africa in the same way as the negro. The three hundred years of which Mr. Darwin speaks is as yesterday compared with the vast lapse of time implied by the present distribution of the negroid races.

* On this point a series of experiments by Sir Everard Home is conclusive. *Philosophical Transactions*, 1821, vol. iii. p. 1.

† *Essays*, p. 246.

In treating of the various races of men, Mr. Darwin unaccountably omits to notice perhaps the most important essay which has been written on the subject, in which the number of races is satisfactorily decided according to their external characteristics. Professor Huxley, approaching the subject altogether from the natural history point of view, finds that there are four well-defined groups, or races, each of which is possessed of likenesses and unlikenesses, which do not shade off into each other, except under circumstances which render it highly probable that interbreeding has taken place.* The first, or the Australoid, is possessed of the following characters—‘a dark complexion, ranging through various shades of light and dark chocolate colour; dark or black eyes; the hair of the scalp black, neither coarse and lank nor crisp and woolly, but soft, silky, and wavy; the skull always belonging to the dolichocephalic group, or having a cephalic index of less than 0·8.’ It ranges at the present day throughout the great continent of Australia, but is not found in the contiguous island of Van Diemen’s Land. The hill tribes in the Dekhan present all these characters, and ‘an ordinary coolie would pass muster very well for an Australian, though he is ordinarily less coarse in skull and jaw.’ The ancient Egyptians also, Professor Huxley believes to belong to the same race, for although the modern Egyptian ‘has been much modified by civilisation, and probably by admixture, he still retains the dark skin, the black silky wavy hair, the long skull, the fleshy lips, and the broad alæ of the nose which we know distinguished his remote ancestors, and which caused both him and them to approach the Australian and the “Dasyu” more nearly than they do any other form of mankind.’ The researches of Colonel Lane Fox on the various kinds of implements in use among savages add great weight to the conclusion that these isolated peoples belong to one and the same stock. The very singular weapon, the boomerang, usually considered to be peculiar to Australia, is used in the Dekhan, and was formerly used by the ancient Egyptians. Professor Huxley thinks it very probable that the dark whites (Melanochroi) stretching from northern Hindustan through western Asia, skirting both shores of the Mediterranean, and extending through Western Europe to Ireland, ‘had their origin in a prolongation of the Australoid, which has become modified by selection or intermixture.’ Brunettes may perhaps owe their beauty to a dash of Australoid blood.

* International Congress of Prehistoric Archaeology, Norwich Volume, p. 92. 1868.

The second, or the Negroid race, has a 'dark skin, varying from yellowish brown to what is usually called black, dark or black hair which is crisp, or what is commonly called woolly in texture,' and with but rare exceptions a long head. In Africa it presents two marked modifications—the dwarfed, light-complexioned bushman, and the tall dark negro proper. Men possessed of negroid characters inhabit the Andaman Isles, the peninsula of Malacca, the Philippines, the chain of islands passing south and east parallel to the east coast of Australia to New Caledonia, and lastly Tasmania, where they are now represented by one lonely woman.

The third, or Mongoloid race, is characterised by a complexion ranging 'from brownish yellow to olive; the eyes are dark, usually black; the hair of the scalp black, coarse, straight, and long.' The proportions of the skull, so constant in the two preceding races, vary in this from extreme dolichocephaly to extreme brachycephaly. It ranges from the banks of the Danube and Finland through the great steppes of Central Asia, China, Japan, and through the two Americas. It peoples also most of the islands in the Pacific Ocean, and has effected a lodgment in Madagascar, probably through the great aptitude for navigation which some of its branches, such as the Malays and Japanese, undoubtedly possess.

The fourth race, or the Xanthochroic, to which we ourselves belong, possess 'blue or grey eyes and yellow or yellow brown hair, and a skull varying in size and form from extreme length to extreme breadth.' The fair-haired Germans may be taken as types. More or less crossed with the Australoid races, it constitutes the dark-haired people of northern Africa, southern Europe, and Asia Minor; and it passes through Asia Minor to the north of India. It occupies an area relatively small compared with the Mongoloid race, but is now spreading over the earth with great rapidity wherever the climate will allow of a foothold.

The distribution of these four races of men offers a point of considerable difficulty. We can understand how the two latter peoples spread to remote regions by means of navigation; but neither the Australoid or the Negroid races possess any facility for devising means of transport by water. For either of them to have crossed the sea from any one region where they are found to a far distant point, would have been impossible. It is therefore absolutely certain that they must have migrated by land, under very different physical conditions to those which now obtain. If we start from Africa, we get an unbroken continent as far as the Malacca peninsula. The islands farther to

the south in which the two races have escaped destruction from the other competing races, must during the time they passed from one to the other have been a continuation of the solid land of Asia. In no other manner can the presence of the same people in Australia and the Dekhan be accounted for, or in the Andamans and Tasmania. And Australia must have been insulated from the mainland of Asia *before* the Negritos took possession of what is now the chain of islands extending from Malacca through New Guinea down to Tasmania. Had it not been so the Negritos would have spread over the great Australian continent. The view that the chain of islands in question are the higher grounds of a land now submerged, a mountain chain, like that of the Andes or Rocky Mountains, of a region which has disappeared beneath the waves of the sea, is considerably strengthened by the examination of the east coast of Australia, where a great barrier coral reef, extending for a thousand miles at various distances from the shore, testifies to the gradual sinking of the land. Such phenomena Mr. Darwin has proved in his work on coral islands are the rule rather than the exception in the Pacific Ocean; and to speak in general terms, there is ample proof that the Pacific Ocean is on the whole a subsiding area at the present day. The distribution of the Negroid race in Africa is probably due to an opposite movement of land. The burning sands of the Sahara have been proved by late geological research to have been the bed of a sea, which flowed south of the Atlas, which would form an impassable barrier to the northward migration of the Negroid races.

Nor are we without a clue to the relative antiquity of these four races. The Australoid race must have found its way into Australia along the continuation of the mainland, before that region was insulated from the Asiatic mainland, and it is equally certain that the Negroid races occupied the same continuation of land, probably destroying the original occupants after that geographical change took place. There is, therefore, strong reason for believing that the Australoid occupied that region before the Negroid invasion. Whether the Mongoloid race be older than the Xanthochroic is doubtful, but its wide distribution seems to lead to that conclusion. The relative ages of these great races can of course only be determined at their points of contact; but judging from their distribution we should be inclined to place them in the following order in point of time: Australoid, Negroid, Mongoloid, and Xanthochroic. And that this sequence is true of at least two out of the four is proved by the independent testimony of the cerebral deve-

lopment. In this respect the Australoid and Negroid are at the bottom, and between these and the remaining two races there is a considerable gap. The two former are separated from the two latter by the lapse of time necessary for the bringing about of great geographical changes over a considerable area in Europe, Asia, and Africa.

The much vexed question whether these races are entitled to rank as species in nature, is, in our belief, satisfactorily decided by an appeal to that great test of a species, the fertility of the offspring. The hybrids in nature are invariably sterile, while it is a notable fact that the offspring of marriages between the different races are fertile, and it would follow that these races are not entitled to specific rank, and consequently that man was descended from one and not from many stocks. Mr. Darwin views them as sub-species.

The condition of the primeval man is veiled in impenetrable darkness. Sir John Lubbock, arguing from the present state of the lowest and most degraded savage, believes that he was a savage of the lowest order, and endowed with the knowledge of fire and assisting his bodily weakness with rude tools and weapons. Mr. Darwin holds (vol. i. p. 235) that 'in a series of forms graduating insensibly from some ape-like creature to man as he now exists it would be impossible to fix on any definite point when the term Man ought to be used.' It may be that the primeval man was closely linked to the apes in body, very much as we ourselves are, but we deny that there is any evidence of an insensible graduation. While there are cases on record of parents producing offspring as unlike themselves as one species is unlike another in nature, and of the variations from a parental form being handed down to the descendants, how can we tell that man has not arisen from his lowly ancestry suddenly, from the incidence of causes beyond the ken of the naturalist? How can we tell that he did not spring forth suddenly as the manifestation of humanity in the brute creation? We maintain, that it is highly probable, from the stand-point of natural history, that he did so appear, while natural selection does not explain the known facts of the case. We bear in our body, Mr. Darwin says, the marks of our lowly origin, and it may be added we bear in our minds an equal proof of an origin which is not from below, but from above. It may be fair to point to the tip in the ear, and the moulding of our bodily frame, as testifying to our relationship with the apes; surely it is equally just to point to our higher intellectual faculties and our moral sense, as being sent by a higher Intelligence. 'Spiritual powers (Mr. Darwin

'allows) cannot be compared or classified by the naturalist; why then should he attempt to compare and classify them? Man's body has probably been evolved from a lower form, but not, as we have shown, by natural selection. Our intellectual faculty and our moral sense, in so much as they are not found in the lower animals, cannot have been merely the result of a like evolution, and we can safely say that they have no brutish origin.

Mr. Darwin thus indicates the probable line of our descent:—

'The most ancient progenitors in the kingdom of the Vertebrata, at which we are able to obtain an obscure glance, apparently consisted of a group of marine animals, resembling the larvæ of existing Ascidians. These animals probably gave rise to a group of fishes, as lowly organised as the lancelet; and from these the ganoids, and other fishes like the lepidosiren, must have been developed. From such fish a very small advance would carry us on to the Amphibians. We have seen that birds and reptiles were once intimately connected together; and the Monotremata now, in a slight degree, connect mammals with reptiles. But no one can at present say by what line of descent the three higher and related classes—namely, mammals, birds, and reptiles, were derived from either of the two lower vertebrate classes—namely, amphibians and fishes. In the class of Mammals the steps are not difficult to conceive which led from the ancient Monotremata to the ancient Marsupials; and from these to the early progenitors of the placental Mammals. We may thus ascend to the Lemuridæ; and the interval is not wide from these to the Simiadæ. The Simiadæ then branched off into two great stems, the New World and Old World monkeys; and from the latter at a remote period, Man, the wonder and glory of the universe, proceeded.

'Thus we have given to man a pedigree of prodigious length, but not, it may be said, of noble quality. The world, it has often been remarked, appears as if it had long been preparing for the advent of man; and this in one sense is strictly true, for he owes his birth to a long line of progenitors. If any single link in this chain had never existed, man would not have been exactly what he now is. Unless we wilfully close our eyes, we may, with our present knowledge, approximately recognise our parentage; nor need we feel ashamed of it. The most humble organism is something much higher than the inorganic dust under our feet; and no one with an unbiassed mind can study any living creature, however humble, without being struck with enthusiasm at its marvellous structure and properties.' (Vol. i. p. 212.)

The truth or falsehood of this pedigree has no relation whatever to religious belief, for we have already proved that the changes which it pre-supposes were not brought about by natural selection. The difficulties in the way of that theory offered by the brain, ear, or eye of man apply with equal force to the organs of the lower animals. Natural

selection is undoubtedly a most powerful agent of change, but it is not, as Mr. Darwin believes, the sole agent. He now admits that he over-stated his case in the 'Origin of Species' in order that its claims might not be overlooked. 'I had not formerly sufficiently considered (he writes) the existence of many structures which appear to be, as far as we can judge, neither beneficial nor injurious; and this I believe to be one of the greatest oversights as yet detected in my work.' We believe that as his great work progresses, the theory of natural selection will be gradually changed for that of evolution, in which it is relegated to a very subordinate role. There are indications of this change of front in the 'Descent of Man,' which is rendered inevitable by the recognition of factors of change other than natural selection.

The special characters of each of the great races of mankind have probably been derived in the same way as those of animals bred under domestication. After their first dispersion from one centre, they intermarried among themselves and became of a family type, in proportion as they were insulated by geographical boundaries or by mutual antipathies. There is no greater difficulty in thus explaining the differences between the races than in explaining those which undoubtedly exist between different families and clans. Were two families insulated for some thousands of years from each other, they would become endowed with certain peculiar physical characters. And were they placed in different quarters of the world, there is every reason for believing that they would present differences, almost as marked as those between the Mongoloid and the fair-haired races. Mr. Darwin believes that they cannot be accounted for by natural selection, and he invokes to his aid the principle of sexual selection by which men and women choose their partners:—

'I do not intend to assert that sexual selection will account for all the differences between the races. An unexplained residuum is left, about which we can in our ignorance only say, that as individuals are constantly born with, for instance, heads a little rounder or narrower, and with noses a little longer or shorter, such slight differences might become fixed or uniform, if the unknown agencies which induced them were to act in a more constant manner, aided by long-continued intercrossing. Such modifications come under the provisional class, alluded to in our fourth chapter, which, for the want of a better term, have been called spontaneous variations. Nor do I pretend that the effects of sexual selection can be indicated with scientific precision; but it can be shown that it would be an inexplicable fact if man had not been modified by this agency which has acted so powerfully on innumerable animals, both high and low in the scale. It can further be

shown that the differences between the races of man, as in colour, hairiness, form of features, &c. are of the nature which might have been expected would have been acted upon by sexual selection.'

Mr. Darwin fully admits in this passage that variations suddenly arise from unknown causes, and that there are factors of change besides those which he enumerates; and he limits the sexual selection to the picking and choosing of the variations to a great extent according to the fancy, instead of for the good, of the individual, as in natural selection. Practically in so doing he allows the point for which we have been contending, that natural selection is powerless to originate a new form, although it is powerful to modify it when once it has arisen. To do justice to the argument we must briefly sum up the evidence as to the change wrought in the lower animals by sexual selection. This ought, indeed, to have formed a separate work, for it has but a collateral bearing on the sexual selection of man, and it would have been better if Mr. Darwin had first of all argued the effect of human caprice, which can be tested by our own experience, before he investigated the results which he believes to have been brought about by the same quality in the lower animals.

Sexual selection, according to Mr. Darwin, may be defined to be the cause of the great majority of those differences between males and females of the same species which cannot otherwise be accounted for, a cause co-ordinate with natural selection of the diversity of form and colour manifested in the animal kingdom. It is obvious that all facts in natural history can either be explained by natural selection, or they cannot; and it is hardly fair to put the latter into the category of sexual selection, and to keep the third class which cannot be explained by either in the background. To sexual selection are attributed equally the splendour of the humming bird, the wattles and comb of the turkey-cock, and the superior strength of the males over the females, or the reverse. It seems to us that the results of two very different factors are ascribed to its action. On the one hand there is that natural desire of propagating their kind which is distinctly normal, and which leads to the deadly conflicts between the males, in which the larger and the stronger are the conquerors, or to changes in bodily form by which the union of the sexes is promoted. To this may be ascribed the large size and the development of antlers in the buck, the curvature of the lower jaw of the salmon, the large tusks of the wild boar, and innumerable other cases which are enumerated in a most charming manner in the '*Descent of Man*.' We fully admit that this is a con-

stant and persistent force, tending continually to one end, and that is the multiplication of the individual which is stronger or better armed. On the other hand there is caprice or fancy, which is uncertain as the wind in its action upon ourselves, and which, if our experience be worth anything, has a tendency to vary with each individual. How the action of this quality in individuals during a long course of ages could have resulted in the *constant* colours and forms in males and females, which, according to Mr. Darwin, are of no good to the individual, rather than have brought about an infinite variety within the limit of each species, is a difficulty with which Mr. Darwin cannot possibly grapple. Caprice is certainly present in the higher animals; but so uncertain an agent could never have produced an uniform result, whether it be of form or of colour. We will examine the argument as to colour.

Beauty of colour is very generally found throughout the animal kingdom, and is essentially of the same kind. The gorgeous tints of a sea-anemone or of a coral, or the lustrous sheen on the hairs of a sea-slug or on the interior of an ear-shell, are as beautiful as the stripes of a tiger or the splendour of a bird of paradise. None could maintain for a moment that there is the slightest difference between them as works of art. In some cases the design of colouring is the same in the higher and lower classes of the animal kingdom. In the cone-shells, for instance, the contrast between the black stripes and reddish back-ground of the tiger's skin is exactly followed, and among the endless varieties of the cowry, some are ornamented with the same colours as some of the antelopes. It is only reasonable to account for this identity on the hypothesis that like results have been produced by similar causes, and that whatever may be the explanation of the colours of one class of organisms, ought also to explain the presence of similar colours in the other class. Mr. Darwin, however, with a strange want of logic, denies this. In the case of the lower animals, such as sea-anemones, corals, and others which either present no sexual differences or are hermaphrodite, he believes that colours are the direct result of the chemical nature, or the minute structure of their tissues, independently of any benefit thus derived—'The tints of the decaying leaves in an American forest are described by everyone as gorgeous; yet no one supposes that these tints are of the least advantage to the trees. Bearing in mind how many substances closely analogous to natural organic compounds have been recently formed by chemists, and which exhibit the most splendid colours, it

' would have been a strange fact if substances similarly coloured had not often originated, independently of any useful end being thus gained, in the complex laboratory of living organisms.' Thus a large division of the animal kingdom is taken out of the category both of natural and sexual selection, and relegated to that which is of unknown causation. With the higher animals, according to Mr. Darwin, the case is very different; ' for with them, when one sex is much more brilliantly or conspicuously coloured than the other, and there is no difference in the habits of the two sexes which will account for this difference, we have reason to believe in the influence of sexual selection; and this belief is strongly confirmed when the more ornamented individuals, which are almost always the males, display their attractions before the other sex. We may also extend this conclusion to both sexes, when coloured alike, if their colours are perfectly analogous to those of one sex alone in certain other species of the same group.' The very fact that beauty of colour is found equally distributed among the lower animals where there could be no sexual selection, implies that in the higher animals also it could not have been the result of sexual selection. There is, doubtless, connexion between splendour of colour and sexual functions in all the higher animals, as in the case of the male stickleback, described by Mr. Warrington as being beautiful beyond description during the breeding season—' The back and eyes of the female are simply brown, and the belly white; the eyes of the male, on the other hand, are of the most splendid green, having a metallic lustre like the green feathers of some humming birds. The throat and belly are of a bright crimson, the back of an ashy green, and the whole fish appears as though it were somewhat translucent and glowed with an internal incandescence' (vol. ii. p. 14). It is absurd to suppose that this remarkable transformation is caused by the female stickleback choosing her partners for millions of generations with a special view to brilliancy of colour.

Animals are variously affected by different colours, being attracted by some and repelled by others; but this does not prove that their partners owe their tints to the taste of the opposite sex. Mr. Darwin's argument, derived from the fact that splendidly coloured males show off their beauty to the females, loses point from the circumstance that they will also show off to their fellow males, as in the case of grouse, or to spectators, as in the case of peacocks, which frequently exhibit their splendid tails to the unsympathetic eyes of pigs, horses, and cows. We do not deny that the higher animals

exert some choice in their courtship, but we deny that Mr. Darwin has advanced proof that the beautiful colours of the males in the higher animals are due to sexual selection. In the present state of knowledge, we must confess our ignorance of the *vera causa*; but whatever it may be, we may fairly infer that it must explain the tinting of shells and corals, and the lower animals, as well as that of the higher classes of the animal kingdom, the exquisite painting of a turbo, which during life is concealed beneath the thick epidermis, as well as the glories of a peacock. Mr. Darwin professes his inability to conceive the purpose of the beauty which pervades the organic creation, if it be not subservient to the reproduction of race. But is the beauty of creation confined to organic beings? Does it not extend to the crystal and the gem drawn from the deepest mines? Does it not beam in every ray of light which flashes over sky or sea? Does it not fill the firmament, and clothe the earth? What matters it to explain by some idle theory the colours on the back of a caterpillar, when the whole universe is replete with the same marvellous hues, symmetry, and grace?

Mr. Darwin has told us some amusing stories of the loves of the animals—the lady spider, that fell upon and ate up her lover, to the unspeakable horror of the beholder; the seal which bows to his lady love till he has got her within range of his teeth; the coquetry of the *Thysanura*—are perfect of their kind; but he has not advanced a shadow of proof that sexual selection is capable of producing the changes of form and colour which he attributes to it. To the truth of his view it is necessary to show that taste in the species has always flowed in one definite direction, without any of that fickleness which we associate with the idea of taste. He must also show that animals possess instinctive love of beauty and of positive ugliness, judged according to our standard. These two essentials to his theory he assumes without any attempt at proof.

Throughout the treatise on sexual selection Mr. Darwin is continually committing the error which he pointed out in his first volume—that of treating the productions of animals as if they flowed from the same qualities as would be necessarily implied if they were our own. Because birds are beautiful, and build beautiful nests, he argues that they possess the same æsthetic taste as we ourselves under the highest culture:—

‘The best evidence, however, of a taste for the beautiful is afforded by the three genera of the Australian bower-birds already mentioned. Their bowers, where the sexes congregate and play strange antics, are differently constructed, but what most concerns us is, that they are

decorated in a different manner by the different species. The satin bower-bird collects gaily-coloured articles, such as the blue tail-feathers of parakeets, bleached bones and shells, which it sticks between the twigs, or arranges at the entrance. Mr. Gould found in one bower a neatly-worked stone tomahawk and a slip of blue cotton, evidently procured from a native encampment. These objects are continually rearranged, and carried about by the birds whilst at play. The bower of the spotted bower-bird is beautifully lined with tall grasses, so disposed that the heads nearly meet, and the decorations are very profuse. Round stones are used to keep the grass-stems in their proper places, and to make divergent paths leading to the bower. The stones and shells are often brought from a great distance. The regent-bird, as described by Mr. Ramsay, ornaments its short bower with bleached land-shells belonging to five or six species, and with berries of various colours, blue, red, and black, which give it, when fresh, a very pretty appearance. Besides these, there were several newly-picked leaves and young shoots of a pinkish colour, the whole showing a decided taste for the beautiful. Well may Mr. Gould say these highly-decorated halls of assembly must be regarded as the most wonderful instances of bird architecture yet described, and the taste, as we see, of the several species certainly differs.' (Vol. ii. p. 112.)

There is surely no more evidence that these birds build nests from æsthetic motives than that beavers build their dams from their knowledge of the principles of applied mechanics. If the exquisite beauty of birds, taking them as an example, be merely the result of the reaction of the æsthetic faculties on the plumage of their partners, we may as well at once give up the attempt to compete with them in the department of taste. Our noblest painters cannot hope to reproduce the tints of a humming-bird's feather. Can we hope, after struggling after the higher culture for generations, and having our love for the beautiful obtained by education, and transformed into an instinct by inheritance, to attain to the æsthetic cultus—shall we say? of a female argus-pheasant. In our present state we are in that respect infinitely inferior to the lower animals on the hypothesis. To treat animals as if they were men and women is little less than absurd. Moreover, were beauty the result of sexual selection, it ought to be manifested in the highest degree in the highest animals, since a sense of the beautiful is to a large extent dependent on intellectual development. This could not be maintained by Mr. Darwin, or by any other naturalist. From whatever point of view the theory is examined, it is altogether inconsistent with known facts.

Inferences might not unfairly be drawn from this portion of Mr. Darwin's work, to which we cannot in this place do more than advert. But we do him no injustice in ascribing to him the theory of Lucretius—that Venus is the creative power of

the world, and that the mysterious law of reproduction, with the passions which belong to it, is the dominant force of life. He appears to see nothing beyond it or above it. In a heathen poet such doctrines appear gross and degrading, if not vicious. We know not how to characterise them in an English naturalist, well known for the purity and elevation of his own life and character.

We must now conclude our remarks on this subject of absorbing interest. Never, perhaps, in the history of philosophy, have such wide generalisations been derived from such a small basis of fact. Mr. Darwin's theory of the growth of the moral sense and of the intellectual faculty is unsupported by any proof; and the very corner-stone of the hypothesis, that the human mind is identical in kind with that of the brutes, is a mere assumption opposed alike to experience and philosophy. The view of sexual selection is greatly exaggerated, and altogether inadequate to explain the differences between the sexes. In a word, Mr. Darwin has chosen this crucial test of the truth of natural selection, and it has broken down at every point where it has been tried. Mr. Wallace, treating of the general question of the evolution of life, takes very much the same view as Mr. Darwin, but he allows that Man cannot be accounted for by the theory. Yet both these authors have upon the whole done good to science by making people think; and the results of that thought will be, in our belief, not the blind acceptance of their views, but a realisation of the truth, that whatever the doctrine of evolution may be worth, so far as relates to man's body, man's intellect and moral sense are now, as they ever were, inscrutable from the point of view offered by natural history; and only to be comprehended from far higher considerations, to which, as a mere naturalist, Mr. Darwin has not attained.

ART. VIII.—*Land Tenure Reports. Denmark: 1870.* By Mr. STRACHEY. Published by the Foreign Office.

IT may seem premature at this moment to discuss any question of foreign politics beyond the immediate consequences of the great conflict which Europe has lately witnessed. To appreciate its influence on the internal development and constitution of Germany, to guess at the time which France will take in recovering from the heavy blows under which she still reels, may well be deemed sufficient task for the attention

both of the speculative and practical politician. Yet besides these there are questions smaller in importance, it may be, and lying outside the immediate range of the politics of the hour, the settlement of which cannot fail to have a considerable influence on the future of Europe, and which it would be culpable to overlook.

Amongst these minor questions the future of the Scandinavian kingdoms holds a front place, and is one in which the inhabitants of this country have for many reasons a peculiar interest. Nowhere, probably, were the fortunes of the great Franco-German struggle watched with so absorbing an interest as in Denmark. At the beginning of the struggle it was even rumoured that this interest might take an active shape, and one more country be added to the list of combatants. The efforts of diplomacy, seconded by the wisdom of the King of Denmark and his minister M. von Holstein, together with the inopportune *bon mots* of the French envoy, the Duc de Cadore, averted the danger, which at one moment threatened to be serious. But though thus saved from the actual perils of a conflict, the war was none the less of all-engrossing importance to Denmark. It was thought, and probably with reason, that had France been successful the immediate restoration to her of at least North Slesvig would have followed as a necessary consequence. Now that Germany has been victorious, it remains to be seen what the probable fate of that duchy and its former mother-country will be, and how their future will influence that of Sweden and Norway.

The possession of Slesvig, it may here be observed, is a bone of contention as old, nay older, than the possession of the Rhine provinces; for if the quarrel about the latter began with the break-up of the Carlovingian Empire, as certain historians are fond of reminding us, the quarrel about the former began when the great Emperor tried to carry his arms north of the Dannewerke and the Eyder. If the politics of Western Europe have nearly always hinged more or less on the one, the politics of the North have, it may be said, always and invariably hinged on the other; and hence in a consideration of their present aspect it is Slesvig and its position to which the politician would almost instinctively look for the key of the question. It will be recollected that when peace was concluded in 1866 between Austria and Prussia, it was stipulated by the fourteenth article of the preliminary convention of Nikolsburg, and the fifth article of the Treaty of Prague, that the northern districts of Slesvig should have the opportunity given them of declaring by a free vote whether

they wished to return under the government of the King of Denmark or retain their allegiance to the King of Prussia. The first rumour of this stipulation was received at Copenhagen with an incredulity which was only equalled by the joy which broke forth when its authenticity was discovered. But ugly symptoms soon began to peep forth, which made it seem as if the incredulity would have done well to prevail over the joy.

Before the final ratification of the Treaty of Prague, a bill was brought up into the Prussian Parliament, for the settlement of the incorporation of the Elbe Duchies with Prussia. The following is an extract from the report of the commission which brought up the bill:—

‘We hope that the royal Cabinet will succeed in getting rid of the Fifth Article of the Treaty of Prague, or at least in confining the plebiscite to the extreme northern districts of Slesvig. We cannot consent to the unfortunate application of the theory of nationalities in the north of Slesvig, and thereby to expose ourselves to a possible ratification of the surrender of the districts which stretch as far south as Flensburg.’

On reading over this protest it naturally occurs to everyone who has any recollection at all of the events of past years, to ask on what grounds was an outcry raised by German patriots against Denmark, except on those of the principle of nationality, and the real or supposed oppression of their German fellow-countrymen in Holstein and Slesvig, in contempt of that principle.

How thoroughly Danish the feeling is in the districts where the stipulated plebiscite was to have taken place may be ascertained by considering the returns of the votes given in Slesvig at the first election for the North German Parliament after the incorporation of the Duchies with Prussia. They are as follows. In Hadersleben, Christiansfeld, and Apenraade (extreme north), Herr Krieger, the Danish candidate, had 15,028 votes; Herr Usoer, the German candidate, only 3,702. In Flensburg, Alsen, and Angeln (central part of Slesvig), Herr Ahlemann, the Danish candidate, had 9,927 votes; Herr Krans (an Augustenburgher) had 6,803 votes, and Herr Mathiesen (Prussian) 2,807. In South Slesvig there was no Danish candidate, and the Germans were returned without opposition.

These facts and figures clearly show that a line of demarcation between the German and Danish nationalities can be drawn for all practical purposes so as to put an end to the question at once and, it may be hoped, for ever. It will be

observed that in the extreme north the Danish votes completely outnumber the German votes, while in the extreme south the reverse is the case. In the second district, if the Prussian or governmental votes be added to the votes given for Herr Kraus, the candidate who still supported the claims of the Duke of Augustenburg, the number of votes given to Danish and to German candidates are as nearly as possible equal. But the really important fact to notice is that nearly all the 9,000 Danish votes were given in the districts north of Flensburg, while south of Flensburg nearly all the 9,000 German votes were given. In the Danish department of the Paris Exhibition of 1867 a map was exhibited which contained an analysis of the votes as given in each parish. From this it appeared that south of Flensburg the German votes were about 95 per cent., and north of Flensburg only 5 per cent.

It may then be asked on what grounds real or alleged the Prussian Government refuses to carry out the vote stipulated for by Article V. of the Treaty of Prague. The alleged reasons, or some of them, we shall shortly describe. The real reason is that German military men cannot abide the idea of doing anything which might lead to the abandonment of the important positions of Düppel, Sonderburg, and the isle of Alsen. Some Germans, indeed, take a sentimental view of the question and argue that the corpses of the soldiers who fell fighting in 1864 cannot possibly be allowed to rest in a foreign soil. It is said that this view finds favour in court circles at Berlin. There is something quite poetical in this reverence for the corpses of the slain; but it surely must suggest itself to those who are thus carried away by their feelings that Bohemia and Belgium, and a considerable portion of France, ought to be claimed as Prussian territory on the same grounds. Still, with the more hard-headed portion of the German nation, military considerations carry the day.

We have already given an extract from the report of a commission of the North German Parliament which supports this view. The following passage taken from a review of Prussianising politics may not be uninteresting as a proof that this feeling is shared by others besides professional politicians. The writer, after showing very fairly and elaborately that the population of Slesvig is mainly Danish as far as Flensburg and that the Danish element predominates even in that town, says:—

‘We do not however mean to imply by the foregoing explanation that we would at all consent or agree to language and the popular

choice being taken as the basis for drawing the line of demarcation in the event of a retrocession of part of the Slesvig territory. With all respect to the principle of nationalities, we must be contented to let it play a subordinate part in their case as much on one side as on the other. The Germans in Hadersleben would have to make up their minds to give way, were Prussia, for the sake of peace, to consider herself obliged to draw the new frontier line south of their city, say from the bay of Gjenner across to Hoyer, after the due requisition of guarantees for the preservation of their German nationality in Denmark. Similarly our interests demand that North Slesvig up to and beyond the bay of Apenraade, especially Sonderburg and Alsen, should remain in German hands. We put aside the feeling which would forbid the Prussian soldiers who fell at the storming of the position of Düppel-Alsen for the liberation of Slesvig from the Danish yoke resting in a foreign soil. But the position in question is one of the greatest military importance for the protection of the whole province; it has become a Prussian fortress covering the most convenient position for the landing of an army bent on attacking Prussia from the north. Before such considerations as these all others must give way, and, least of all, need we take into consideration the feelings of half Danes in matters which are of vital importance to Prussia.' (*Preuss. Jahrbuch.*, No. 22.)

It is an interesting study to watch the strange mixture of cunning and insolence by which Prince Bismarck has evaded his promises and outwitted those who have had to negotiate with him. On the 26th of March, 1867, he declared in Parliament that as the before-mentioned treaty had been made with Austria, Austria alone could demand its fulfilment. On the 11th of May, roused a little in all probability by the reproaches to which European public opinion was giving vent, and seeing that at least an appearance of carrying out the promise he had made was becoming necessary, he wrote a despatch to the Danish Minister for Foreign Affairs in which he declared that Prussia had not entered into any engagement, either with Austria or with Denmark, to renounce her supremacy over the inhabitants of North Slesvig, least of all over those of German nationality, and he went on to ask what guarantees would be granted by the Danish Government for the security of the nationality of the German inhabitants. Count Frijs Frijsenborg, the Danish Minister, answered on June 1st to the effect that the guarantees already secured by treaty and naturally emanating from the Danish Constitution appeared to him to be sufficient. He went on to attract the attention of M. de Bismarck to the fact that the Treaty of Prague contained no allusion to any additional guarantees being given. To this the Prussian Government replied that additional guarantees were absolutely necessary. Popular

feeling, however, in Denmark expressed itself strongly by a vote of the Rigsdaag against acceding to any such request, as it was felt that any special guarantees would only give rise to the interference of Prussia in the affairs of the whole kingdom, in the same way that the treaties of 1851-2 had done by their stipulations regarding Holstein, and that it would be preferable to lose the whole of the duchy rather than run the risk of exposing the nation to a fresh invasion to be justified by some flimsy pretext on the next convenient opportunity. Still Count Frijs Frijsenborg was anxious to avoid doing anything which might allow the Prussian Government to throw the blame of the failure of the negotiations on the Danish Government. He accordingly, while continuing to maintain that special guarantees were needless, proposed that an official committee should meet to try to settle the question on some satisfactory basis, and consented to the payment of a portion of the debt of the Duchy by Denmark if any retrocession of territory were to take place. On the 18th of June, M. de Bismarck declared in reply, that the Treaty of Prague, if it did not mention, did not exclude special guarantees, and that they therefore could be demanded. He further alluded to the oppression of the Germans at the time when both the Duchies belonged to Denmark, forgetting that he had never ceased to deride the agitation which was founded on it, before he had seen that it might be turned to subserve the purposes of Prussian aggrandisement.

It would be curious to know by what principles of international law Prince Bismarck justifies his doctrine of the extensive interpretation of treaties. Every jurist, from Grotius downwards, has taught 'that the interpretation which extends 'proceeds with more difficulty, that which restricts more 'easily . . . In order that an extension may be rightly made, 'it is necessary that it should be apparent that the reason 'under which the case comes which we wish to comprehend, 'should be the sole and efficacious cause which moves the 'promiser, and that that reason was considered by him in its 'generalities, because otherwise the promise would have been 'unjust or useless.* These are the grave words of the father of international law; but the principles of international law are just the sort of moral cobwebs which it is the delight of the German Chancellor to sweep away.

In the despatch of the 18th of June, which has been previously quoted, the Prussian Government had declared that

* Grotius, Book II. c. xvi., quoted by Wheaton.

the guarantees which were demanded would not be of a nature to interfere with the full sovereignty of King Christian in the districts to be ceded. Taking advantage of this declaration, Count Frijs Frijsenborg instructed the Danish envoy at Berlin, M. de Quaade, to inquire what these guarantees were to be. The inquiry led to the opening of negotiations, in which Prussia was represented by Herr Bucher, a well-known Prussian Chauvinist, whose appointment in this capacity was regarded as one of M. de Bismarck's minor practical jokes, and as a sure token of a preconcerted failure of the negotiations. Nor was German opinion wrong. Prince Bismarck, in introducing the plenipotentiaries, explained at much length that under no circumstances did Prussia intend to cede Düppel, Alsen, and the Sundewitt, and then proceeded to enlarge on the mixed character of the population in the districts of Apenraade, Christiansfeld and Hadersleben, in which, as previously shown, the Prussian candidates were entirely outvoted. Shortly after Herr Bucher gave in a copy of the proposed guarantees. It was soon found that they were wholly incompatible with the full sovereignty of the King of Denmark, while at the same time it was carefully added by Herr Bucher, that in the case of these guarantees being granted, the Government would cede Christiansfeld, Hadersleben, and perhaps Apenraade; that is to say, the country north of the bay of Gjenner; while if they were not granted, it would only cede the Danish parishes close to the Jutland frontier, but would retain the above-mentioned towns as enclaves. After a perfectly useless discussion of these points, the Danish minister soon arrived at the conclusion that under no circumstances whatever did Prussia intend to cede one inch of territory. The negotiations since then, though resumed at intervals, have been practically abandoned.

Meanwhile, the process of Germanising went on. It was hoped that violence might succeed in making a change in the character of the population before any intervention could take place. The process of Germanising, if left to itself, is a very slow one. The Frenchman is a good colonist near home—a bad colonist far from home. The exact contrary is the case with the German. Lorraine, and even Alsace, were fast losing their German character previous to the late war. The line of the Dannewerke was the boundary between German and Dane in the time of Charlemagne. The German has taken a thousand years to gain a few miles to the north. The German population in Posen, the so-called Saxon colonies in Transylvania, exist in separate masses, neither assimilating nor being

assimilated by the surrounding population. It was not then to ordinary means that Prince Bismarck and Count Scheel-Plessen were going to trust for the Germanisation of the province. The corporal and the clergyman, the magistrate and the schoolmaster, were called in.

It will be recollected that at the time of the Slesvig-Holstein war, one of the chief complaints which the Germans brought against the Danes was, that in the southern districts of the Duchy justice was not done to the German language in church, in school, and before the legal tribunals. Assuming these complaints to have been true—and that they had some foundation is tolerably certain—it is now clear that the Germans are determined to carry out the *lex talionis* in the northern districts. The German language is alone employed in church, in the law courts, and in school. In the last, the lessons in history and geography, according to the statements of Danish writers, are too often made the instruments of a political propaganda exceedingly painful to the feelings of the Danish parents. In the law courts, plaintiffs and defendants have to appear before judges and juries who cannot understand the language of either party. As a proof of what is taking place it may be mentioned that the Danish 'gymnase' at Hadersleben has lately been turned into a German gymnase amid the unctuous rejoicings of the German press. No effort was spared by the Prussian police to prevent signatures being attached to two monster petitions which at various times have prayed the King of Prussia to fulfil the 5th Article of the Treaty of Prague, while the King himself on the petitioners appearing at Berlin refused to receive them either personally or through his ministers, and the North German Parliament, not wishing to be outdone by their pious monarch, received the motion of the deputies Krieger and Ahlemann on the same subject with roars of derisive laughter.

Such, then, is an accurate statement of the present state of the North Slesvig question—a statement compiled not only from Danish but also from German sources. To their honour be it spoken, some portion of the German press, led by the 'Kölnische Zeitung,' has steadily protested against this policy of annexation against the will of the inhabitants, and has opened its columns to the declarations of numerous persons of authority in German politics. These efforts, however, seem likely to be fruitless, nor have the protests of neutrals been of more avail, for—scarcely known though the fact be—it is nevertheless true that in the middle of September Earl Granville addressed a message to Count

Bismarck, pointing out that however just the susceptibilities of Prussia might have been when the fulfilment of the 5th Article might have seemed a concession to France, these susceptibilities could now no longer exist, and that the opportunity was a becoming one to play an upright and generous part in the matter. To this communication Count Bismarck did not even vouchsafe a reply, except by allowing M. de Thile to receive rather ostentatiously the protests of Kiel University and of the German club at Hadersleben against any fulfilment of the Treaty, either now or in the future. Such has been the conduct of German statesmen, discredited, it is true, with a small but independent portion of the press, but meeting with general support, and, it is unnecessary to add, the object of the special laudations of the literary and professorial class. One of the first and most distressing results of the predominance of the military spirit in Germany has been the contemptible abandonment of independent criticism by that very class to which perhaps it would have been most natural to look for it. Does King William wish to rob his neighbour's vineyard? Immediately there is at hand a Treitschke and a Wagner to throw a semi-scientific, semi-historical halo round the crime, and to quote precedents—those of Ahab and Frederic Barbarossa. Does Prince Bismarck wish to evade the performance of his written promises? M. Max Müller will be ready to prove that the Danes are Germans, or at least ought to be; while M. von Sybel, growing grotesquely satirical, will be ready to talk of the impossibility of drawing the frontier line round every Danish house. 'Out of the mouths of professors and pedants hast thou ordained praise'—might have been the New Year's greeting of the pious monarch to the minister of blood and iron.

What will be the influence of this state of affairs on the politics of the North? The answer implies some consideration of the Scandinavian movement and its prospects. Much like the kindred movement in Germany, the national movement in the three kingdoms had a double origin. It was the property of the publicist and of the poet before it became the object of the attention of the statesman. To do what Arndt and the literary men who were inspired by a kindred spirit had done in Germany, was the object of M. Rosenberg and his literary coadjutors in Scandinavia. Availing themselves of the vague and floating feeling of a common nationality which had never entirely died out, they attempted—and not altogether unsuccessfully—to fan it into a flame. The uphill nature of their work cannot be better illustrated than by referring to the well-

known fact, that the Danish national anthem commemorates a victory not over German or Russian but over Swedish foes. Their efforts soon received a powerful ally. The stream of European ideas brought the idea of nationality to the surface, and the very aggressiveness of the German movement almost perforce summoned up Scandinavianism as its natural antagonist. The dreams of the poet began to change into the practical scheme of the statesman. Public opinion in the North began slowly to wake up to the fact that an attack on one of the three kingdoms implied a probable attack on the others; that if Jutland and the islands were to become German, Scania would probably soon be Russian. The events of 1848 did much to stimulate the feeling. An alliance, timid and hesitating indeed, was formed towards the close of the first Slesvig-Holstein war, and would probably have been renewed in 1864 but for the untimely death of the late King of Denmark.

To what a distance the project of an alliance had recently been carried has lately received a remarkable illustration. M. Geffroy, whose writings in the '*Revue des deux Mondes*' on all questions connected with the North of Europe are well known, has been recently furnished with copies of a correspondence which passed between high official personages in Denmark and Sweden during the sitting of the London Conference in 1864. He vouches for the authenticity of this correspondence, which is of singular interest as showing how the Scandinavian idea has penetrated even into those exalted stations in which selfish interests might have been most likely to thwart its progress.

The initiative in these negotiations was taken by the King of Sweden. In the month of April, 1864, while the London Conference was still sitting, he sent two letters through his Chamberlain M. de Quanten, the one to the King of Denmark, the other to Bishop Monrad, President of the Danish Ministry. We shall give the substance of the scheme of alliance which accompanied these letters in the words of the writer M. Geffroy:—

'Sweden, Norway, and Denmark were to form a federal union capable of at once realising a perfect community of political action and defence in foreign affairs. This community of action was where possible to be gradually extended to other branches of Government, wherever the interests of the three kingdoms were jointly concerned. With a view to the attainment of political unity a federal Parliament was to be formed to regulate a common budget for the expenses incurred by the union. The territories of the Danish monarchy which depended or should come to depend on Germany were to form no portion of the federal states. The Swedo-Norwegian Government was to oppose itself

to the Danish portion of Slesvig being taken from Denmark, and at the conclusion of peace was to support its incorporation with Jutland.'

The project was in course of time communicated to the Swedish Ministers M. De Gjeer and M. de Manderstrom, with both of whom, but more particularly with the former, it met with favour. Bishop Monrad, however, who throughout all the negotiations of 1864 appears to have shown a fatal perversity of temper, was on this occasion but too true to his character. Having gone so far as even to draw up a family compact regulating the future succession to the two thrones—the most difficult portion of the negotiation—he suddenly chose to destroy his own work by asking that Sweden should guarantee South Slesvig and even Holstein to Denmark, and that these German districts should form part of the proposed union. It is clear that the King of Sweden was justified in at once withdrawing from the negotiations when they had assumed so impracticable a character; but that they should ever have been carried so far is alone a most important fact, and one fraught with great consequences to the future of the North, for hitherto the great difficulty in the way of the Scandinavian union has been supposed to be in the conflicting claims of the royal houses. These difficulties are in no manner removed, as was popularly supposed a short while ago, by the marriage of the Crown Prince of Denmark with the Crown Princess of Sweden. The Salic law exists in the latter country. The King's brother Oscar and his children will inherit the Swedish crown under the present constitution.

It may then be safely assumed that the Scandinavian Union is one of the possibilities of the future. But the further question arises, supposing such a union to be made, will it be permanent? Do those causes which centuries ago broke it asunder almost as soon as made exist as they did at the period of the Union of Calmar?

No union can easily be formed between countries the civilisation of which is unequal, and the political development of Denmark and of Sweden was exceedingly unequal at the time when the Union of Calmar was formed, the advantage being altogether on the side of Sweden, while whatever literary superiority could be boasted by the Danes was only the cause of yet greater estrangement between them and the unlettered Swedes.* While the fourteenth and fifteenth centuries had seen the steady decline of the power of the feudal nobility in

* 'Laicus, literatus tamen,' was the boasting epitaph of a Swede at this period.

England and France before the advancing power of the towns and of royalty, exactly the opposite of this process had been taking place in Denmark. A nation of serfs began to take the place of a nation of free proprietors; the power of the lay and clerical nobility grew greater day by day, while the influence of the towns went on diminishing. In the islands which were more thinly peopled than Jutland, personal servitude became the condition of the mass of the labouring classes in the fifteenth century. It was in them that the great proprietors established their residences, where they were less exposed to the revolts of the peasantry. The close proximity of Denmark to Germany, where the power of the feudal nobility never received the same severe blows as it had in England and France, explains this state of things; a testimony of the cause remaining in the comparatively modern German words, which had to be imported to designate these ideas which had hitherto been strangers to the Scandinavian mind. While the labouring classes were thus losing their social status, the competition of the Hanse Towns, supported by the enormous privileges accorded to them by the Danish kings, were ruining the burgess class, which, like the peasant class, began to cease to make use of its right of sending representatives to the assemblies at Nyborg. The loss of the right did not fail to follow the loss of its use. The nobility and the church were the only real powers in Denmark in the middle of the fourteenth century, the royal policy consisting in attempts to balance the one against the other. The condition of Sweden was totally different from this. Its constitution rested on certain quasi-federal institutions the inheritance of a remote past. The whole country was divided into nations, and the king had to obtain the separate assent of each nation to his election. The Swedish land system remained allodial, nor could a property be alienated without the consent of the whole family. A certain number of heads of families formed the district, and a certain number of districts formed the nation, each of which had a chief. So courageously did these chiefs perform their duty in defending popular liberties that they have been called the 'tribunes of Sweden' by the native historians. Between countries the political institutions of which were so different it was impossible that a union should subsist. While the firm hand and vigorous mind of Margaret still directed the fortunes of the three kingdoms, it was possible for her work to last, but not afterwards. Her character, indeed, was one of the most remarkable which the North has yet produced. From her earliest infancy she had given evidence of a most extraordinary

activity, both of mind and body. Her father said of her while she was yet young, that God had made a mistake in not making her of the male sex. Called by her subjects Margaret Sprenghaest, or horse-breaker, she has been named by modern writers the Semiramis of the North. A more correct appellation would have been Charlemagne of the North. Like him she succeeded in staying for a while the confusion that reigned around her, and on her death the darkness closed in over her work with almost as much celerity as it did over his. Charlemagne, says M. Guizot, gave civilisation time to breathe. The same—though in a more limited sense—might be said of Margaret, but her dream of a Scandinavian Union was destined to be as short-lived as the greater dream of the Universal Empire. Hard facts were too strong for both. The difference between the political constitutions of Sweden and Denmark has been already pointed out. The distrust with which the Danish ecclesiastics were viewed, owing to their being credited with anti-national ideas and a too great affection for Germany, was an additional cause of alienation. Now the clergy, owing to their wish to extend their influence in Sweden, were the great supporters of the Union, and this support was one of the chief causes of its falling into disrepute, while the manner in which fiefs were conferred upon foreigners, both Danes and others, soon made the lay as unpopular as the clerical nobility in Sweden. It became clear that the fall of the Union was a mere question of time. The edifice which Margaret had built began to crack even during her life, and after her death soon fell to pieces altogether.

Such, then, were the causes of the failure of the Scandinavian Union in the middle ages. It can hardly be said that these causes exist now. The literary and political progress of Sweden and Denmark is fairly equal. Something under the head of religious liberty remains to be desired in the former, but hardly a year passes by without the hand of the reformer making itself felt, while the present constitution of Denmark is one of the best which Europe can boast of, and indeed well calculated to excite some jealousy in the minds of its southern neighbour. The difficulties in the way of the Union lie rather in the difference of sentiment and of historical tradition, and in those conflicting family claims which have been previously alluded to.

Were then Denmark to feel assured of the future retrocession of Slesvig, with its ports and fortresses, along with the guarantee of future security which the retrocession would imply, it is possible that these latter considerations would

prevail, and that the Scandinavian Union would remain a dream; but the firmer the belief grows that Slesvig will never return to its mother-country, the stronger does the feeling grow of the necessity of the Scandinavian Union as a weapon of defence against further aggressions.

Still, there are other solutions of this question possible. Both in Sweden and Denmark, but especially in the latter, a strong particularist party exists, the head quarters of which, strangely enough, are in Jutland, among the Peasants' Friends, who form the extreme radical and peace at any price party. It has been previously shown how the position of the Danish cultivator rapidly deteriorated about the period of the Union of Calmar from that bright state of things which popular tradition associated with the Valdemars, when each rood had its man, till serfs had almost universally taken the place once occupied by free cultivators. But since 1760, when Count Stolberg advised the emancipation of the cultivators on some of the royal estates, down to the present day, the counter process has been going on. In its origin largely influenced by the theories of the Danish economists, who, towards the close of the last century, took up the ideas of Quesnay and Turgot, it was pushed on by the reforms of such statesmen as Reverdil, Bernstorff, and the unfortunate Struensee. The movement was indeed seriously checked between 1818 and 1826, but soon after that date, the formation of the Bondevenner party, to which many of the middle class belonged, deprived it of its purely social character, and gave it a real power in the Rigsdaag, while its cause was ably supported in the press by M. Hausen. The result has been the passing of a succession of Land Bills, leading to the rapid conversion of the Danish 'latifundia' into small properties. Peace and economy are the watchwords of the small proprietors. Both now and before the last war they opposed a spirited foreign policy, and they recently made their influence felt by the fall of Count Frijs' cabinet, which retired on a question of military expenditure. The Scandinavian Union they imagine would entail heavy taxation; and they are therefore strongly opposed to it, while the working classes in the large towns are its strongest supporters. Which of the rival parties will ultimately carry the day it is difficult to foresee; but it is probable that if the peasants prevail their victory will be but Pyrrhic, and that though they may succeed in averting for a while their absorption into a united Scandinavia, it will only be to be absorbed, at some future period, into a united Germany.

That the day is not distant when the German flag will float

on the Cape of Skagen, and the Baltic be a German lake, is now the frequent boast of German military men, and of no small portion of its literary class. The Jutland peasants would do well to remember this. There are some persons in the North who still hope for much from the influence or the intervention of the Russian Emperor with the Court of Berlin on behalf of Denmark. Their hopes are based on the marriage which lately took place between the heir to the throne of all the Russias and the Princess Dagmar. It is indeed true that personal alliances have more weight in Russia than they now have in the more advanced nations of Europe, but signs are not wanting that, be that as it may, they will not go for much in the present instance. In the first place, the present Czar is known to have strong German sympathies; and even supposing his successor to be otherwise minded, it is highly improbable that he would risk the security of his dominions for an object which is not by any means Russian, more especially when it is recollected that Prince Bismarck has a grievance ready to hand when he wants to use it, viz. the position of the Germans in the Baltic provinces. Again, even assuming that the recent increase of power on the part of Prussia threatens to turn the Baltic into a German instead of a Russian lake, and that the latter power may consequently be induced to do all it can to sustain Denmark, it cannot be forgot that there is another far easier method of balancing German power—that of further annexations from Sweden; and this would be strictly consonant with the hereditary policy of the Russian royal family. But, lastly, there are indications that Russia is looking for compensation not in the Baltic but in the Black Sea, that she is at present willing to accept Prussian aggrandisement as *un fait accompli*, and even to use it as a means in the furtherance of her Eastern policy at the expense of Austria and England; so that the Scandinavian question in its remoter consequences touches even our own country. Having followed it thus far, we leave it for the present.

- ART. IX.—1. *Histoire du Droit municipal en France sous la Domination romaine et sous les trois Dynasties.* Par M. RAYNOUARD. Deux tomes. 8vo. Paris: 1829.
2. *Essai sur l'Histoire de la Formation et des Progrès du Tiers État, suivi d'un Tableau de l'ancienne France municipale.* Par AUGUSTIN THIERRY. 8vo. Paris: 1853.
3. *La Commune, l'Église, et l'État dans leurs Rapports avec les Classes laborieuses.* Par FERDINAND BÉCHARD. Paris: 1849.
4. *De la Décadence de la France.* Par M. RAUDOT. Paris: 1849.
5. *Histoire de la Terreur (1792-1794) d'après des documents authentiques et inédits.* Par M. MORTIMER-TERNAUX. Sept. tomes. 8vo. Paris: 1866.

THESE books are not of very recent date; but they are the better suited to our purpose. Imperfectly informed of the true history of the extraordinary events which have recently occurred in the capital of France, and still more ignorant of the future which awaits that country, it is to the past alone that we can look for light upon its condition and its destiny. The scenes of the French Revolution are not so varied or so diverse that we cannot trace in them the operation of uniform causes, and very often a repetition of the same results. Indeed, we think it can be shown that there is a marvellous resemblance between incidents which have occurred under very different circumstances and at a distance of three quarters of a century. These contemporary events give to the history of the Revolution in its earlier years an intense reality which brings the whole tragic spectacle again before us; the lurid light of another conflagration lights up the ruins of the ravaged city. For ourselves, we are free to confess that as one hour of ocular observation frequently teaches more than a century of books and written records, so the events of this spring have given fresh strength and truth to our knowledge of the whole Revolution. The figures of the Commune and the Reign of Terror start once more from the canvas and live—degenerate, indeed, contemptible, obscure by the side of their nefarious prototypes, but animated by the same passions, and performing with unabated fury the same parts. We turn then to these records of the past, to seek in them the explanation of the present. M. Raynouard and M. Béchard are two of the writers who

have treated most ably of the municipal institutions of France, M. Augustin Thierry is perhaps the most learned and conscientious of French historians, and M. Mortimer-Ternaux is a trustworthy narrator of the Reign of Terror, because he writes not for effect but for truth, and every statement is corroborated by authentic and original documents of the period. We have already noticed the two first volumes of his work in our review of Louis Blanc's 'History of the Revolution' (Edin. Rev. vol. cxviii. p. 101), but since then it has been continued, and it well deserves further attention.

The military disasters of France in August last were followed, as it was evident they would be, by a political revolution; for the legislative body existing on the 3rd September was restrained by the opposition of the Empress from taking the necessary steps to meet the emergency by any legal provision. The consequence was that what had not been done by law was done by force; and on the 4th September, a self-constituted Government, deriving its principal strength from the mob of Paris, and composed of the leading members of the late Parliamentary opposition, installed itself at the Hôtel de Ville. Pressure from without, in the shape of the Prussian invasion, gave to this Provisional Administration a slight degree of stability; it assumed the modest and appropriate title of the Defence Government; M. Jules Favre was enabled to negotiate, though with signal incapacity, at Ferrières; General Trochu retained for some time, through his high moral qualities, a degree of respect to which his military talents hardly entitled him; M. Gambetta proceeded in his balloon to rouse the nation by revolutionary means; and M. Picard succeeded in rescuing his colleagues from the first insurrection of the Commune de Paris on the 31st October. But whilst these authorities carried on with indifferent success their hopeless contest against the organised military power of Germany, they were themselves training in the streets and suburbs of Paris an army still more formidable to themselves and to France. The first step of the Government of the 4th September had been to give arms to the people, and whilst the siege of Paris lasted the whole male population was drilled, prepared to fight, and taken into the pay of the State. Against the Germans, these raw and ill-disciplined troops were powerless: but upon the conclusion of the peace, M. Jules Favre having most unwisely refused the offer of Count Bismarck to disarm the National Guard of Paris, the city remained in the possession of legions of armed citizens, well provided with rifles, cannon, and ammunition. Never at any period of the entire Revolution had the insur-

reactionary forces of Paris been so well prepared for a mortal struggle. They were in possession of all the stores accumulated for the defence of the capital against a siege of unprecedented magnitude. The population was exasperated by deception and humiliated by defeat. All the ordinary pursuits of life and industry had been suspended by the siege and superseded by military service. Large numbers of the floating revolutionary population of Europe flocked to Paris: larger numbers of the tranquil and terrified residents in that devoted city had hastened to escape from it. It seemed as if the moment, long foreseen in the fevered dreams of the democratic regenerators of mankind, had actually arrived, and that the Universal Democratic Confraternity of Nations was about to be enthroned in the first city of continental Europe. The experiment has actually been made; and deeply as we deplore the ruin and bloodshed caused by this protracted contest, it cannot be denied that some good results may be anticipated from this demonstrative example of what the Government of the Commune is worth. We have no desire to exaggerate either its follies or its crimes. We will acknowledge that it was at first less sanguinary and less addicted to plunder than its enemies had anticipated. But it has been supremely arbitrary and supremely stupid. In the name of liberty, it destroyed every condition of freedom: in the name of the common interests of the city, it reduced that city to the depth of ruin, drove away the wealthier classes and pauperised the lower, extinguished all productive industry, frightened away credit and capital, and, at last, food itself would have been wanting if the population had not been enormously diminished. On economical principles alone, putting aside its military and political absurdities, the Commune of Paris could not fail to reduce one of the first cities of the world, in a few months, to a wilderness and a solitude. The interruption of productive labour and the cessation of the means of exchanges, by which the commodities indispensable to the support of life are procured, must bring about this result. An earthquake, or the eruption of a volcano, would not be more fatal and scarcely more prompt in its effects. For as the wants of all classes of society in great cities are necessarily provided for from day to day, and cities themselves produce none of the first elements of life, the moment the mechanism of their highly artificial system is stopped they begin to perish. Immense numbers of human beings are driven to seek the means of subsistence elsewhere. All that constitutes the strength and wealth of a great capital—the presence of the

supreme rulers of the State, the authority of law and justice, the studious population of the schools, the galleries of art, the pursuit of pleasure, the influx of strangers, the relations of society, the steady financial circulation which is the life of trade, the power of universal exchange, the investment of capital, the employment and security of labour, and all the myriad ramifications of demand and supply by which the wants of mankind are provided for—all these things may cease to be. Under the terrible stress of war and revolution, we have seen them cease to be: but the Commune has far more to answer for than the arms of the enemy, for what the German forces overthrew was but an army and a state; the revolution of the Commune shook to its foundation the whole structure of society. The creed of the members of the 'International Association' is simply this—that the old social order must be destroyed, and destroyed by their hands. A power formed by the overthrow of law is itself devoid of law. The members and servants of this ephemeral government were themselves ephemeral, rising to the surface from the dregs and bursting when they reach the outer air, like bubbles from the depth of some boiling pool. If any higher intelligence existed to direct the acts and policy of the Commune, it was mysterious, secret, and carefully withdrawn from observation and control. Meanwhile, the people, in whose name these things were done, were incited, bought, or compelled to spend their lives in a hopeless and desperate resistance, for some cause which has not been defined, and some leader whose very name is unknown. Victory itself over such antagonists leaves it equally difficult to conciliate and to subdue them; they can only be destroyed. If they began as fanatics, they ended as incendiaries, assassins, and thieves.

As a means of Government the Secret Committee of the Commune was odious and contemptible, but as an engine of social war it was terrific, for in the frenzy of despair, it let loose all the powers of destruction. We shall not attempt to describe in detail what no words have yet been found to describe—the appalling spectacle of Paris as it appeared in the month of May in this year, an awful prelude to the most tremendous catastrophe in the history of man. The streets and avenues looked large and vacant, for in place of the gay and busy crowds once wont to throng them, a few bands of rude and drunken soldiers made the solitude more desolate. Half the combatant army of the Commune was believed to consist of fugitives, adventurers, and criminals from every sink and every jail in Europe. Their courage was inflamed by

liquor and rewarded by debauchery. Such indeed was their state of physical gangrene that every blow was fatal, and the wounded were outnumbered by the dead. These demons of misrule held entirely at their mercy all that still existed in the city. Terror was everywhere. Terror reigned. A mysterious power, whose source was as unknown as its name, seemed to direct at will the fury of these myrmidons, and certainly carried on an intrepid resistance without the walls. But they were the ministers of public and private vengeance. Whatever spoke to them of the obligations of religion was an object of abhorrence; whatever spoke to them of the past glory of their country was an object of scorn; they polluted the churches, they trampled on the Cross, they cast down the Column; they defied alike their country and their God; inso-much that those of the city who witnessed these things, exclaimed in their anguish, that assuredly the Ancient Curse, the curse of Rome, of Jerusalem, of Babylon, had fallen upon themselves and upon their children.

But the darkest forecast was exceeded by the doom and destruction of the chief buildings in that great capital. The world had yet to learn what crimes may be committed by a democracy without veneration and without law. In that supreme paroxysm of blood and fire, the passions of man did their worst. In those dreadful days the Revolution still triumphed; but its triumph annihilated the very seat of its own power. All ties and all traditions were sacrificed. Ruin passed in a torrent of fire over the city. The murder of the hostages—guiltless men torn from the altars and the seats of justice to perish for the guilt of others—was a crime equalled only by the martyrdom of the Carmes and the Abbaye in 1792; and it was expiated by a sanguinary and indiscriminating massacre of the insurgent populace. If any doubt or disbelieve the tremendous force of self-destruction which lies in the lower strata of great communities and may burst forth with volcanic fury, this example is given them to be a record for ever. If any can witness such events and such calamities, doubting and disbelieving that the world's history is governed by eternal justice and almighty power, 'neither will they be persuaded ' though one rose from the dead.'

' Well roars the storm to those that hear
A deeper voice across the storm,
Proclaiming social truth shall spread
And justice, e'en tho' thrice again
The red fool-fury of the Seine
Should pile her barricades with dead.

The fortress crashes from on high,
The brute earth lightens to the sky,
And the vast Æon sinks in blood
Encompassed by the fires of hell.*

Such was the climax of the history of the Commune of Paris.

Why is it then that the very name of the Commune of Paris is a name of terror and turbulence, whilst that of the City of London is synonymous with good order and ancient unambitious civic administration? How comes it to pass that municipal freedom and government either exist not at all in France, or exist for purposes, and in a shape, incompatible with the very existence of the State? When an Englishman is told that the citizens of Paris were contending for the right of electing their own magistrates, and for the civic freedom which the Empire denied them, he naturally sympathises with a cause so nearly allied to his own rights and experience. But in no respect are the two countries more widely different than in the nature of their municipal institutions. That difference is vast and important enough to account for much of their entire political and social history; in order to sound it, it is necessary to go back to the very root of their social constitution.

The answer, then, we have to make to this question, is that it may be shown from the history of the French people that they have never possessed or practised, either by law or tradition, those established municipal rights of self-government which have been the basis of freedom and civilisation in the chartered cities and municipalities of Italy, Germany, Flanders, England, and even Spain; that what were termed the municipal rights of France have served alternately, either to disguise the action of the central power of the State, or to disintegrate the kingdom; that the municipal forces, which have at times broken out with revolutionary violence in French history, have commonly originated in spontaneous military movements of the citizens, placing them in opposition to the law and not in subordination to it; lastly, that the tendency of these armed Communes has invariably been to overleap the proper bounds of municipal authority, to challenge the State itself by claims of sovereignty, and in the end to make war upon it. The Communes of France have alternately proved to be instruments of despotism or centres of sedition. The all-important element of political life which municipal freedom can alone supply, by attaching men to the conduct of their own

* Tennyson's 'In Memoriam,' cxxv.

public affairs, and by educating them in the discharge of public duties, has in France been wanting for centuries; and this may not unreasonably be regarded as the chief cause of the repeated failures of the French nation to establish a system of constitutional government. If these propositions are true and can be established by historical evidence, they appear to us to throw a beam of light upon the history of France, and more especially upon the history of her great Revolution from 1789 to the present day. The Commune of Paris of 1871 is no novelty in the annals of France. It is the recurrence of a well-known drama—burlesque, arbitrary, desperate—when acts of government become the acts of maniacs, and all the horrors of bloodshed, ruin, fire, proscription, anarchy, are let loose upon the great city by those who call themselves her chief magistrates. We propose to trace the mischief to what we conceive to be its source.

The municipal law of France, as described by M. Raynouard, was based upon the ancient right, established by the legislation of the Roman Empire, which authorised the inhabitants of a city to choose their magistrates and to administer their affairs. The oldest cities of France were in fact the municipalities of Gaul. They were copies on a small scale of Imperial Rome; and in this shape they were anterior to the grant of any municipal charters by the Crown, though such charters were subsequently granted in and after the twelfth century to define their powers or confirm their privileges. Thus the cities of Périgueux, Bourges, Marseilles, Arles, Toulouse, Narbonne, Nîmes, Metz, Paris, and Reims were all undoubtedly Roman *civitates* governed by consuls, or a senate of *boni homines*, elected by their fellow-citizens. But their rights far exceeded what are now understood by municipal or civic franchises: they were in many respects sovereign communities; they levied troops, made peace and war, concluded treaties, and administered justice in their own name. Thus, for example, it was provided by the constitution of Périgueux that the ‘*civitas sit libera, et nullius jurisdictioni subjecta*,’ and that ‘*ad voluntatem vel dispositionem consulis ibi universitatis exercitus et ducetur*.’ The earliest act of homage of the citizens of Périgueux to the kings of France took place in 1204.

The city of Paris never solicited or accepted any charter of incorporation, and M. Raynouard argues (we think unwisely) that she stood in no need of any such safeguard. ‘Before Cæsar’s conquest,’ says he, ‘Paris had enjoyed municipal liberty. Her *Nautæ* authorised or at least protected by the

'institutions of Rome became her most useful citizens. They had influence enough to unite the rights and interests of the municipal magistracy to the interest and right of their powerful company, and the symbolical Galley, which still figures in the city arms, as well as the old title of Provost of the Water Traders (*Procurator mercatorum aquæ*), borne by the chief magistrate, attested this change.' 'Most of the cities of France,' he adds, 'never had charters of incorporation. Their own municipal right sufficed to them. They claimed no other safeguard.' It was a *jus ante omnia jura natum*, or, to use an English expression, it was the common law of the country.

From this definition of the municipal rights of France we draw two inferences: *First*, the Crown, when not bound by charter, could, and did, revoke the municipal liberties of the people, when a city happened to displease the court, as for instance, Philippe de Valois suppressed the corporation of Laon, and Charles VI. suspended the municipal government of Paris in 1382. *Secondly*, the powers of corporations not being defined by charter but by usage, were, so to speak, self-evolved; they were sometimes narrowed and sometimes extended to excess; they were not under the control of a judicial authority or even of the legislature; therefore in times of subjection they were contracted within the limits of servitude, in times of revolution they expanded to absolute sovereignty.

It might be shown, by a careful examination of the principles and history of the Gallo-Roman and the Teutonic or Anglo-Saxon municipalities, that there is this radical difference between them—the former tending to a partition of sovereignty, and consequently to the alternative of federalism or civil war, as was exemplified by the Italian republics of the Middle Ages and by the cities and provinces of France until they were overpowered and absorbed by the Crown—the latter aiming at no sovereignty at all, but confined to the discharge of strictly municipal functions in loyal subordination to the State from which they drew their powers. Dr. Brady has shown, in his *Essay on English Boroughs* (which is the best authority on the subject) that 'all free-burghs in England *had their beginning from charter*; for a free-burgh, in the true sense of the word, was only a town of free-trading, with a merchant guild or community, without paying toll, pontage, or other royal dues.' The English borough charters first made the citizens free men; then conferred liberty of trade, fairs, and markets; then acknowledged the power of assessing the tenths or fif-

teenth granted to the Crown by Parliament; and they were called upon in many cases to elect and return members to Parliament—a privilege which was regarded as onerous. But of direct political or executive power there is no trace whatever in their history; and this essentially distinguishes them from the communes of France.

This distinction has in fact been drawn with prodigious erudition and searching discrimination by M. Augustin Thierry in his well-known letters on the History of France and in the 'Tableau de l'ancienne France municipale,' annexed to his 'Histoire du Tiers Etat'—a work which well deserves to be studied as a master-piece of historical criticism. M. Thierry has shown in his writings that the municipal constitutions of the towns of France were extremely diversified. They retained traces of the ten or twelve states which were ultimately absorbed in the unity of France; and he divides them into distinct classes or zones. In the towns of the south the municipal institutions were of Roman origin; their magistrates were styled Consuls; and they enjoyed a very high degree of sovereignty and independence, extending, says Thierry, 'even to the plenitude of a republican constitution.' In the north the cities were formed by the association of guilds, under the pledge of a civic oath; and their condition resembled that of the free towns of Flanders. In the central regions of France the sovereignty of the communes was more limited. In Normandy and Maine they resembled the early municipalities of England. In the cities of Eastern France, which had formed part of the Germanic Empire, the Teutonic form prevailed—that is, their powers were restricted, because, says Thierry, 'the emperors of Germany were systematically 'hostile to municipalities created by the revolutionary mode of 'insurrection or by that of mutual associations.' They were in fact corporations like our own, exercising no powers but those which had been conceded to them by the Crown. They were expressly inhibited from framing or claiming any rights 'sine domini sui assensu.'* It is impossible for us, in this place, to follow out in detail this very intricate subject. For our present purpose, it suffices to point out, in the words of Thierry, in his essay on the 'Affranchissement des Communes,' that 'les plus anciennes et les plus considérables s'établirent 'spontanément, par insurrection, contre le pouvoir seigneurial;' their very basis was insurrection; and so it has been through-

* See the 'Henrici regis sententia contra communiones civitatum,' in Pertz' Monumenta Germanica, tome ii. p. 279.

out the history of France. It is obvious that this fact explains, on the one hand, the tendency of the communes to disintegrate the State, and, on the other, the extreme jealousy and hostility of the State towards municipal institutions of so formidable a character. These two conflicting elements appear to subsist down to the present day, and the recent civil war between the Commune of Paris and the representatives of the nation is the last manifestation of them.

To quote at once a striking example of this French conception of municipal liberties:—at the very outset of the Revolution, on the 23rd July, 1789, when the name of the city of Paris was heard for the first time in the Assembly after the taking of the Bastille, Mirabeau exclaimed:—‘Municipalities are the more important as they are the true basis of public happiness, the most useful element of a good constitution, the every-day resource of society, the safeguard of every home, and in short, the only mode of interesting the whole people in the government, and of extending rights to all classes of the community.’ But upon Mounier’s asking whether he proposed to leave each town to frame its own municipal institutions (*de se municipaliser à sa manière*),—adding that he thought it would be too dangerous for the Assembly to create states within the State, and to multiply sovereignties,—Mirabeau replied emphatically that his intention was that the Assembly *should not* organise the municipalities; that every corporation ought to be subject to the great principles of national representation; but, provided these were complied with, the details of municipal government ought to be left to the townspeople to settle for themselves, as they please. We shall shortly see the fruits of this principle.

It should also be borne in mind, though this part of the subject is too extensive to form part of our present inquiry, that the old constitution of France was remarkable for its provincial Estates and provincial Parliaments. In thirty provinces which were successively annexed to the Crown of France in six centuries and under fifteen kings, the old constitutional representation of the people by the three Estates existed. These assemblies all survived till the sixteenth century; it was not until the middle of the seventeenth century that the system of government by royal intendants was established over the generalities of France; and down to 1789, eight provinces, comprising a quarter of the kingdom, were still Pays d’États and had preserved some traces of provincial independence. But this fact, though of great importance to the history of France, is distinct from the proper civic or municipal rights of the

towns, to which we are now addressing ourselves. In the *plan de réforme*, secretly prepared by Fénelon in 1711 for the Duc de Bourgogne, the revival of the Provincial Estates, on the model of the Assembly then still subsisting in Languedoc, was proposed for the regeneration of the country. Upon the accession of Turgot to office the same idea was resumed in his 'Mémoire au Roi sur les Municipalités' with greater precision. Each parish was to have had an elective board for the purposes of rating, roads, and the relief of the poor; the votes were to be in proportion to the rateable income of the tax-payers. Necker, who succeeded him in office in 1776, zealously adopted and partially applied these views, and in 1778 an edict was passed to revive the provincial Assembly of the province of Berri. It was afterwards extended to Dauphiné, Montauban (Haute-Guienne), and the Bourbonnais. These experiments were highly successful; but it did not escape the penetration of Necker that there was great danger of these bodies *aiming at political power*, and in a secret memoir to the king written in 1778 he used these remarkable words:—'Ils s'y prennent comme tous les corps qui veulent acquérir du pouvoir, en parlant au nom du peuple, en se disant les défenseurs des droits de la nation . . . il faut donc se préparer à des combats qui troubleront le règne de votre Majesté, et conduiront successivement ou à une dégradation de l'autorité ou à des partis extrêmes dont on ne peut mesurer au juste les conséquences.'

In our own political constitution there never was anything corresponding to these provincial assemblies. England was represented and taxed from an early period of her history by the Parliament of the realm for affairs and charges of state, and by chartered civic corporations for municipal purposes. The Provincial Estates of France were an intermediate representative power; they were long of great utility and importance to the freedom of the nation; but they never acquired the authority of the Parliament of England, because the States-General of the kingdom (which consisted of delegates from the Provincial Estates), were rarely convoked; nor did they

* See M. de Lavergne, 'Assemblées provinciales sous Louis XVI,' a book of extraordinary originality and interest, which gives from authentic sources a most accurate picture of the provincial and municipal condition of France just before the Revolution.

An excellent Memoir on the History and Organisation of the Provincial Estates of France was also read by M. Laferrière to the Académie des Sciences morales et politiques in 1860, and is published in the eleventh volume of the Transactions of that Academy.

supply the want of true municipal government, because they aimed rather at a share of sovereign power. Indeed they were used as a substitute for the States-General, and as a check on the democratic spirit of the towns. Thus the Dauphin Charles V. felt the necessity of resting his authority on the States of the Langue d'Oc and other provinces against the States-General of Paris and of the Langue d'Oil. He successfully played off these provincial assemblies, which were essentially aristocratic in their character, against the turbulent democracy of the Paris Assembly, which broke out in the daring enterprises of Marcel and the trades' unions of that age ; hence arose the extension and even the general adoption of Provincial Estates in all parts of France.*

It is curious to trace so far back as the fourteenth century the germs of that latent Federalism of France, which the absolutism of the Crown for the last two centuries was supposed to have annihilated, and to mark, even at that remote period of history, indications of parties not very dissimilar from those which at this moment divide and distract the French nation. A parallel may be drawn between the condition of France in 1356 after the loss of the battle of Poitiers, and the condition of France in 1871 after the capitulation of Sedan. In both instances the French army was destroyed, and the sovereign taken prisoner. King John was removed to Windsor, where he was received with royal honours. Such was the terror inspired by the victorious forces that the French peasantry fled at the sight of an English man-at-arms. Whatever remained of France was within the walls of Paris where Stephen Marcel, Provost of the Trades, still held his ground and dictated terms to the Dauphin. The red and blue hoods of the citizens then first appeared in political history, for those are the colours of Paris, one day to be allied with the white cockade of the Bourbons in the tricolor of France. The power which conceived and imposed the conditions of the celebrated ordinance of 1356 was essentially the municipal, though revolutionary, strength of Paris. 'The dream of Etienne Marcel and his friends,' says Thierry, 'was a confederation of sovereign cities having Paris at their head and governing the country through a diet under the sovereignty of a king.' Those words might almost have been written yesterday ; but, no doubt, the designs of Marcel embraced all the chief ends of constitutional government, accomplished by the democratical dictatorship of Paris acting by

* Laferrière's *Mémoire*, p. 355, and Michelet, *Histoire de France*, cap. 1.

means of terror, in the name of the common good, over the rest of France. The struggle lasted nearly three years. The Dauphin's chief officers were slain; the Dauphin's troops driven out of Paris, but the movement failed because Paris stood alone against the forces of the kingdom, and the discouragement of the people.* 'Paris,' says M. Michelet, 'se chargeait de gouverner la France. Mais la France ne voulut pas.' The Jacquerie broke out in the provinces. Mareel himself was overpowered and killed by the partisans of the Dauphin, and in him perished, to use the somewhat hyperbolic language of the same historian, 'the representative of Paris against the kingdom, and the last champion of a narrow communal patriotism.' The treaty of Bretigny followed, and ended the war—the most disastrous compact to which a Frenchman ever put his name, until that which was signed the other day at Versailles.

But we revert to the more limited subject of the civic institutions of the country. The expression of Mounier in the National Assembly, that the towns were to *se municipaliser à leur manière*, is singularly descriptive of their history. Whenever they have played a considerable part it has been as the leaders of a military sedition, directed against the supreme power in the State. In the insurrection of Marcel (1356) just referred to, M. Michelet says:—'On sent la verve révolutionnaire et en même temps le génie administratif de la grande Commune.' We know not how far the latter member of the sentence is applicable at the present day, but the 'verve révolutionnaire' has not been wanting in any age, and thus it came to pass that the municipality of Paris was viewed with dread and disfavour by the Crown. Thus in the earlier years of the reign of Charles VI., before the gay young soldier had sunk into a gloomy monomania, Paris rose in one of its secular tumults, the Maillotins† pillaged the abbeys, broke open the

* Marcel's insurrection ended in August 1358. In November 1358 it was for the first time declared by the Crown that no Commune could be constituted without the royal assent, and that all communal and consular towns were *ipso facto* under the Crown as their feudal superior. The abuse of municipal power led as usual to its restriction. Mr. Hallam, usually so accurate, does not appear in his 'Middle Ages' to have taken a complete view of the independent origin of municipal freedom in France in the twelfth century. Much has been discovered on this subject since the 'Middle Ages' was written, and M. Augustin Thierry may be called the Hallam of France.

† The *maillets* they bore were strong iron maces or mallets, whence their name. The City of Paris sent forth a well-equipped army of 30,000 men, who met the King before Montmartre.

prisons, and defied the King; but the young conqueror of Roosebeke was not slow to turn his victorious arms against his own capital, and rode the armed citizens down with merciless severity. Heavy requisitions were levied on the richer classes; heavier taxes were imposed on the sale of all commodities. The liberties of the city were crushed by ordinances, 'statuentes' (says the monk of St. Denis) 'ut officium præposituræ exerceret qui regis auctoritate et non civium fungeretur.' 'Il n'y avait,' says M. Michelet, 'plus de ville, plus de prévôt, plus d'échévins, plus de Commune de Paris.' The suspension lasted for twenty-nine years, and when the liberties of the city were at length restored in 1412, a fresh explosion ensued. The Duke of Burgundy, who reigned under the name of his unfortunate nephew Charles VI., was disposed to favour and rely on the popular party, and by his influence the old municipal rights of Paris were restored in that year—'liberè urbis antiquam libertatem restituentes,' were the words of the royal decree. The first result of popular election was to place the butchers of the great butchery of Ste. Geneviève at the head of the corporation, supported by their formidable band of journeymen, the Écorcheurs, or flayers of the shambles. Simon Caboche was the hero of this fresh municipal revolution; but although the University took part with the butchers, and the Bastille itself was attacked, as it was in 1789, the affair ended by a compromise.

So again, to quote another of the 'great days' of Paris, when the Duc de Guise entered the city on the 10th May, 1588, against the express commands of his sovereign, he was received with tumultuous applause by the Commune, which became from that moment the heart of the League. The irresolute king hesitated to act against his formidable vassal. The next day the burgher-guards began to go over. The fierce populace collected on the Place Maubert, and in a few hours barricades were thrown up across the principal streets. It was the identical story which has since been so often repeated—thrice in our own recollection. The royal troops were paralysed by inaction. The people triumphed. 'You must give me these soldiers as a present, my friends,' said Guise to the townspeople. And so the Swiss, French, and German troopers and infantry were marched out of Paris, led by an officer of the suite of Guise, who commanded them with a cane. The king fled; and Paris remained for about six years in the hands of an insurrectionary government. The Secret Committee of the League and the authority of the Seize were, as has recently been pointed out by an able

historical writer, the prototypes of the Commune of 1792 and the Committee of Public Safety; they have again been reflected in the events of the present year. The pulpits and preachers of the League were the clubs and journalists of the sixteenth century. Fanaticism of a different kind has succeeded to the frenzy of religious bigotry; but it is not less fatal to the prosperity of the city and the liberties of the people; for once more, though from different causes, the forces of the nation have been compelled to besiege, attack, and reduce the capital. This military character of the French commune was one of its peculiar features, and adhered to it as long as it retained any real independence. Thus one Millotet, who was *Vicomte Mayor* of the city of Dijon, and has left memoirs, relates that when the Duc d'Épernon returned from the siege of Bellegarde in 1651, this gallant magistrate met him at the gates of Dijon, armed at all points, with a feather in his cap and a pike in his hand, with 6,000 citizens behind him, all well armed, good men and true. His address to the general was, 'Monsieur, you perceive by the condition of the inhabitants of this place that they are ready to lay down their lives for your service.' The mayor was followed by a guard of twenty-four men-at-arms, and he had his own city artillery, which Louvois only succeeded with great difficulty in wresting from the corporation.

The influence of the Crown in France was constantly employed to lower and destroy the municipal franchises of the towns. Louis XI. was a ready grantor of municipal charters, but M. de Tocqueville, who had carefully examined those which were bestowed on the towns of Anjou, Maine, and Touraine, affirms that they were all conceived in a spirit hostile to the rights and dignity of the people. The king used the middle classes to pull down those above them and to crush those beneath them. He was equally anti-aristocratic and anti-democratic; heaping titles of nobility on the principal persons of the towns to lower the value of rank, and destroying the whole popular and democratic character of the administration of the towns, by restricting the government of them to a small number of privileged families.* Nevertheless, down to nearly the end of the seventeenth century, some of the towns of France continued to be small democratic commonwealths, electing their own magistrates, and proud of their independence. But in 1692, a still more fatal blow was struck at

* Tocqueville, 'France before 1789,' note S, p. 428. See also chapter iii. p. 75.

municipal freedom. The civic offices were then regularly put up for sale, that is, the king sold in each town to certain inhabitants the right of governing their townsmen. Subsequently these purchased rights were not unfrequently resumed in order to be resold to other competitors. This was done seven times in eighty years, and done for the mere purpose of raising money. These municipal officers were usually unpaid; but the mayor was frequently ennobled; the *échévins* enjoyed a certain civic rank, and the whole corporation was indulged with exemptions from taxation and the billeting of troops, with an allowance for wax-candles, sometimes with apartments. A strict line of distinction was drawn between the *notables* of the town and the *burghers* or tradesmen. The notables were almost all public functionaries. The whole corporate body was wholly under the control of the Royal Intendant. Thus at Angers, it was expressly provided that 'the corporation never consults the inhabitants generally, even on the most important subjects, except in cases in which it is obliged by special orders to do so.' M. de Tocqueville has left us a masterly sketch of the municipal government of France during the eighteenth century, in the third chapter of his last work on 'France before 1789.' But it is too long to quote, and too full of matter to be abridged; we must content ourselves with referring our readers to it.

But badly as the municipal institutions of France had been treated by the old monarchy, they fared far worse under the Revolution. The National Assembly was pleased to regard the privileges and traditional rights of the towns as aristocratic privileges; these, therefore, were swept away at a blow. The Convention subsequently confiscated all their property by the law of 1793, and forbade them to exchange, or borrow, without the assent of the Government. The Communes of France have never recovered that measure, although one of the first acts of the Constituent Assembly was to pass a law for the regulation of all the municipalities of France, from the hamlet to the city, on one identical plan, followed by copious instructions (Law of 6th December, 1789); and four months afterwards (May, 1790), another law equally minute was passed for the organisation of the municipality of Paris. These laws contained in them, as we shall presently show, the fruitful germs of political and social revolutions; but they did not create anywhere a true municipal government. M. Béchard wrote in 1849:—

'Our Communes are the shadows of what they were in the days of absolute government, for they have been stripped, in the name of

liberty, of everything but their name. The Minister of the Interior is the *ex officio* tutor and supreme administrator of the 37,000 communes of the kingdom, and all public establishments depend on him; that is the summary of our municipal law.

'The administrative monarchy of the last thirty-four years has effaced the last vestiges of municipal government in France.' (Béchar, p. 25.)

For, to quote a speech of one of the representatives of the people in the Council of Five Hundred, which conveys the doctrine of the Revolution on the subject:—

'France is a Republic, one and indivisible. Is it to be borne that this Republic, which is formed of the combined will and interests of the nation, should comprehend a multitude of endowed corporations, interposed between the State and its members, so as to subdivide the great association in as many petty governments as there are villages and hamlets, and to foster that fractional and municipal spirit which the Constitution has sought to destroy? We have done all we could to extinguish all these bastard authorities.*

Such was the view of municipal freedom and independence taken by the men who called themselves the champions of liberty and of the immortal principles of 1789. They, like their predecessors, confounded the proper functions of municipal government with a subdivision of sovereign power; and they opposed the exercise of civic rights with as much energy as the boldest supporters of despotic authority. *Ex unitate libertas* was the motto of the Revolution, and it held that provincial and municipal independence only led to civil war, anarchy, and servitude. It is true that events had occurred to give some colour to this delusion. The root of the matter seems to lie in the fiftieth article of the law of 1790, on the municipality of Paris, which is in these words:—'Elle aura deux espèces de fonctions à remplir: les unes propres au pouvoir municipal, les autres propres à l'administration générale de l'État, qui les délègue aux municipalités.' The moment the municipalities were thus converted into political bodies, exercising a fraction of direct sovereignty, and even superseding the executive authority of the Crown, they became not the useful servants of the State, but its most formidable antagonists. Moreover, there has never existed in France, as far as we can discover, anything analogous to one of the most essential parts of our own constitutional system, namely, the power of the Court of Queen's Bench to restrain by judicial authority the municipal and executive officers of the Government within the limits of

* Speech of M. Delpierre quoted by Béchar, p. 73.

their proper functions, compelling them to do their duty, and allowing them to do no more than their duty. It is this judicial authority which determines in England the place and function of each institution; but in France, especially in modern France, no traces of that controlling judicial power are to be discovered.

No sooner was the municipal law of 1790 passed, than the whole nation was called upon in every commune, not only to establish its own local government, but to create by election a fraction of the entire administration and executive system of the kingdom. Whatever had hitherto been done by the officers of the crown was henceforth to be done by the elect of the people—magistrates, taxgatherers, militia officers, judges, even parish priests, were all to spring from the same source. The Commune had superseded the king; and in every commune the revolution—with all its clubs and its cabals—its hatred of the past and its dreams of the future—was implanted. Hence the Revolution was everywhere, and the reign of anarchy prepared the reign of terror.* This fact of the subversion and absorption of all executive authority by the Communes of France in 1790, has not, we think, been dwelt upon as much as it deserves. It is now, in our eyes, the one decisive fact that accounts for everything else. It tore the sovereignty of France into thousands of fragments; the law itself was left without instruments and without protection; nothing but a despotic and revolutionary power of irresistible force could have restored authority over chaos. The inevitable consequence was a violent reaction. The Convention itself, by the organ of St.-Just, declared that the exercise of municipal functions and revolutionary power imposed on the Communes two incompatible duties; and proceeded to restore the authority of the government by the decree of the 4th December 1793, and by a law of the 16th April 1795. The same policy was completed by the Constitution of the year VIII. and the First Consul. But with their exorbitant authority the Communes of France lost their independence, and became,

* We have before us in Frochet's *Memoirs*, recently published by M. Louis Passy, his grandson, a faithful account of the little commune of Aignay-le-Duc in Burgundy, and of the city of Dijon, during the Revolution. On a small scale, every one of the elements of disturbance existing in Paris was reproduced, and with precisely the same results. Probably the same thing took place in every part of France, for as Mirabeau had predicted, 'the constitution of the executive power was such, that the total disorganisation of the kingdom could not have been better devised.'

what they have ever since continued to be, the slaves and tools of the central government.

We think it has been shown by what has already been said, that the municipal institutions of France have never enjoyed or received their proper functions, namely, the independent control of local affairs by elected magistrates in subordination to the general laws of the kingdom; and that whatever power they did possess in the middle ages had been gradually subverted by the Crown, and was finally destroyed by the Revolution. But one of the effects of the destruction of legitimate municipal power has been that, in the absence of a traditional and organised control, based on usage and law, the popular forces of the Commune have made themselves felt in a violent and irregular manner at all periods of social commotion, that they have at once assumed military power, and usurped a supreme authority in direct opposition to the sovereign will of the nation and the State. Some examples of these insurrections we have already cited from earlier periods of French history. But by far the most signal and instructive instance of this tendency is to be found in the Revolution itself, which, from 1789 to the present day, has periodically convulsed the French nation. Lord Acton has remarked in his admirable lecture recently delivered at Bridgenorth on the late war, which is a masterly and impartial summary of these great events, that 'one of the traditions of the French Revolution is the institution of a permanent and irresponsible body *holding the power of insurrection*, and using it for the purpose of controlling the organised authorities—a secret despotism veiled by constitutional forms. At Paris this office was discharged by 'the Commune.' We even venture to assert that this is the leading and dominant fact of the Revolution itself, and that almost all its most prominent and terrible incidents resolve themselves, upon a close inquiry, into this prolonged and ever-recurring contest between the Commune and the nation. There is a resemblance, amounting to identity, in each of these periods. The actors are changed, for they disappear with marvellous rapidity—even the passions and the war-cry are not the same; but the elements of the strife are unaltered and unappeased. There is always the same impulse to '*se municipaliser à sa manière*' on the part of the Commune; and always the same '*verve révolutionnaire*' to carry it into effect.

From the 25th July 1789, down to the passing of the municipal law for Paris on the 21st May 1790, the capital was a prey to anarchy. Each of the sixty districts of the city had

constituted itself into a separate body, claiming both legislative and executive powers; and all these bodies were at war with the electors of 1789, and with their own legal delegates. Bailly, the mayor, had unfortunately said in a letter to the districts (afterwards called the Sections), 'The legislative power resides in you. It is your business to make laws for this city. You have the intelligence and the power.' This doctrine was condemned by Sièyes, by Mirabeau, and by the Assembly, who argued that this was to create sixty communes in one city, and to perpetuate anarchy. It was loudly supported by Danton, Robespierre, and the revolutionary party, who argued that the sovereignty of the citizens was inalienable. Upon this (April 1790), a report was made to the Assembly by Desmènniers in the following terms:—

'The Committee has seen with regret several communes of the kingdom misapply the principles of constituent and legislative power, seeking their strength in themselves instead of in the constitution and the unity of the nation. This would be to imitate the cities of Greece, as if France could become a federative government without dissolution; but they have not ceased to act as if they had for the present and the future the right to regulate and govern, not confining themselves to municipal power, but usurping the sovereign authority of the nation and the power of the legislature.'

Mirabeau opposed and denounced these doctrines of the communes as subversive alike of power and of liberty. He clearly foresaw that Paris, and the Commune of Paris, was the greatest peril of France and of the Constitution. 'Paris m'attire,' said he to his friend Frochot; 'c'est le sphinx de la révolution.' 'It is impossible,' he added on another occasion, to Count La Marek, 'to endorse this popular dictatorship. Society would be annihilated if the multitude or rather the populace of Paris continues to interfere with the authority of the laws. Paris is lost if it be not called to order and constrained to moderation.'

The position of the Court and of the National Assembly in June and July 1789, was not very dissimilar to that of M. Thiers and the present Assembly in March and April 1871. They occupied Versailles, and they represented the supreme authority of the nation. The irony of events placed the aged but energetic historian of the Revolution in a situation which may not unfitly be compared to that of Louis XVI. himself, which he had judged with so much severity in his earliest work. M. Thiers was head of the executive power of France. He was supported by the majority of the Assembly; but he had been compelled to withdraw his troops from Paris,

lest they should fraternise with the mob. The executive power was extinguished in the capital—save by the occupation of Mont Valérien, a modern fortress more impregnable than the Bastille. Thiers was himself suspected and accused by the revolutionary party of designs hostile to the revolutionary cause. That was also in many respects the situation of Louis XVI. and his government at the outset of the Revolution; but with the important difference that the Bastille was taken by the insurgents, and Mont Valérien was not, and that M. Thiers was prepared and enabled to make war on Paris, which Louis XVI. had neither the means nor the resolution to attempt.

In Paris itself the resemblance is still more striking. The first scene of the Revolution is thus described in No. 21 of the 'Moniteur,' to which no subsequent historian can in fact add anything:—

'Citizens of every rank, order, and age, and all Frenchmen in the capital are inscribed as soldiers of the country, and take the green cockade.* It is enacted that each district shall form patrols to protect the city, and that these are to be incorporated with the mob (*qu'on s'incorporera avec les brigands*) in order to disarm it without difficulty, and that the Prévôt des Marchands shall promptly provide small arms and munitions of war. Upon this the town flags were hoisted, cannon was fired to give the alert, ditches and barricades were dug and constructed, posts were formed, and in less than thirty-six hours Paris presented the aspect of a fortress, garrisoned by 100,000 men, who were divided into companies, named their own officers, and watched for the tranquillity of the city.'

One sees in these arrangements a vestige of the old municipal train bands, but within a few hours they became a revolutionary army. On the 13th July (for that is the date), 'the electors decreed' that a 'Permanent Committee should be established, composed of persons to be named by the Assembly, but augmented by the electors as they may think fit;' and that the whole armed force of the capital should at once be enrolled as the *milice parisienne*. This Permanent Committee was instantly named, apparently by itself, and certainly without any reference to the National Assembly or to any legal authority; and the luckless M. de Flesselles, the last of the Prévôts des Marchands, was placed at the head of it. The first exploit of this self-constituted army and authority was the taking of the Bastille, the murder of its governor, followed by

* The green cockade was immediately abandoned, and the old red and blue colours, which had been borne 400 years before on the hoods of Marcell's followers, reappeared next day.

the murder of Flesselles himself, because he was suspected of thwarting the anarchical designs of the people. When called upon for arms, he had in fact sent for some chests, which were found when opened to contain old linen.

It was with reference to these events that Mirabeau said in the Assembly :—

‘The first and principal cause of the disturbances in Paris is, that no acknowledged authority exists in the city. The chiefs have seized the reins of the administration, under the pressure of urgent necessity, and formed a Permanent Committee without the formal assent of the people, but the effect of this body is absolutely null, because both its creators and those it has created are only private citizens, without the trust or character of representatives. This Council will, therefore, organise a *municipality* which will ensure subordination and peace.’ (*Moniteur* of 23rd July, 1789.) *

Everyone knows how these predictions were fulfilled. The horrible tumult of those days has been described a thousand times, but nowhere with more force than in the contemporary record of the ‘*Moniteur*.’ The ‘Permanent Committee’ itself was in imminent danger of instant death. Flesselles was killed; numerous acts of atrocity were committed; no authority but that of the ‘electors’ existed in the capital; all trade and industry were suspended; and the Committee resorted, for the first time, to the fatal expedient of issuing daily pay to the citizens ‘employed in the service of the country.’ The conciliatory weakness of the Court and of the Assembly terminated the crisis, and a deputation consisting of Lafayette, Bailly, the Archbishop of Paris, M. de Clermont Tonnerre, and other eminent persons, entered Paris to compliment the citizens on their victory. It was on that occasion that Lafayette himself

* In M. Thiers’ ‘History of the Revolution’ (vol. i. p. 87), he gives the following account of these transactions: ‘Dans la matinée du lundi, les électeurs, toujours réunis à l’Hôtel de Ville, croient devoir donner une forme plus légale à leur autorité; ils appellent en conséquence le prévôt des marchands, administrateur ordinaire de la cité. Celui-ci ne consent à céder que sur une réquisition en forme. On le requiert en effet, et on lui adjoint un certain nombre des électeurs: *on compose ainsi une municipalité revêtue de tous les pouvoirs.*’ If this was all that is required to establish a municipal authority invested with full powers, the same expedient has been resorted to on many occasions, as for instance, on the 18th March, 1871, when the Commune was re-established by the same process, and the authority of M. Thiers’ own government destroyed by it in Paris. We prefer the opinion of Mirabeau. The authority of such self-constituted powers is ‘absolutely null.’

was proclaimed by acclamation Commander-in-chief of the National Guard of Paris, and Bailly Mayor of Paris.

'Au même instant toutes les voix ont proclamé de même M. Bailly Prévôt des Marchands.

'Une voix s'est fait entendre et a dit: "*Non pas Prévôt des Marchands, mais Maire de Paris.*"

'Et par une acclamation générale tous les assistants ont répété, "*Oui, Maire de Paris.*"' (*Moniteur, Pièces justificatives*, tome i.)

It was considered a stroke of policy to take the power out of the hands of the anarchists and place it in those of men like Lafayette and Bailly; and no doubt they were capable of rendering services in that capacity. They attempted to do so, though with small success, on the 5th and 6th October at Versailles. But the very fact was a departure from all *municipal* principles. These were political appointments. The Commune de Paris became and remained a political institution. It was a political power in the capital which proved itself, after a long and unequal contest, superior to the lawful authority of the Assembly and the nation. From July 1789 to September 1792, when in fact the triumph of the Commune was consummated by the dissolution of the Legislative Assembly, the overthrow of the Monarchy, and the election of the Convention, the history of this contest is the history of the Revolution. This usurpation of political power by municipal bodies, backed by organised mobs and armed bands of civic troops, who held first the Court and afterwards the Legislature at their mercy, is the distinguishing characteristic of the whole period. These irregular municipal authorities sprang into life, as we have seen, armed, and one of their fundamental principles was that they should retain armed possession of the capital, uncontrolled by the forces of the State; in other words, that the State and the laws of the State should be divested of the sanction of military force in the very seat of government and legislation. The consequence was that the laws and resolutions of the State became powerless; while the laws and resolutions of the Commune were enforced alike by physical strength, by numbers, and by terror. The next step was to appropriate money to the purposes of the Commune, in order to provide for the daily stipend of their sicarian bands, and this was done partly by pillage of public buildings of which no account was rendered, partly by requisitions, partly by excessive taxation of the rich, if in those days any man was rich. The next step was to assume judicial authority—to establish tribunals for the trial of offences against the State, and to inflict even capital punishment by acts which prefigured the Reign of Terror

itself. When the military, financial, and judicial power over the property and lives of citizens had been thus usurped, not content with this despotic administration of the capital, the Commune of Paris sought to give laws by its emissaries to other parts of France. What wonder that the power and independence of the National or Legislative Assembly waned before it?

The debates of that Assembly down to the close of its brief and unhonoured existence are full of protests against this new form of tyranny, expressed in terms of indignant eloquence. It was there that Mazuyer exclaimed:—

‘The Commune is carrying on that system of terror which is its chief method of success. The prisons are once more filled, without our knowing for the most part who signed the warrants of arrest; the wealth accumulated in the houses of the *émigrés* and in the Tuileries is abandoned to pillage; everything that can tempt the avarice of a subordinate agent is seized and no trace of it can be found on record; valuable resources are wasted without profit to the natives; the means of defence are annihilated; Paris and France are given over to the most extravagant absurdities and the most insatiable rapacity. *The law must decide whether the French nation or the Commune of Paris is sovereign of the country.*’

It was there that Vergniaud raised his voice with still more ardent eloquence against

‘those hypocritical and ferocious beings, who are the advocates of scandalous delations, of arbitrary arrests, of the contempt of law, and of general anarchy—against the men who make an aristocracy of virtue and a democracy of vice, to ruin the one and deify the other. The citizens of Paris,’ he continued, ‘dare to call themselves free. They may not be the slaves of crowned tyrants, but they are the slaves of the vilest and wickedest of men. It is time to break these shameful chains—to crush this new oppression. It is time that men who have made the virtuous tremble should tremble in their turn. Tell it to Europe that in spite of the calumnies which have been heaped upon France, there is still, amidst the temporary anarchy in which these brigands have plunged us, some virtue in our country.’

The chief value of M. Mortimer-Ternaux’s History of the Reign of Terror consists in the demonstrative evidence he has produced in support of this proposition. He makes no pretensions to the dramatic eloquence of Michelet or Lamartine; he has none of the party views of Thiers or Louis Blanc. But he proves better than any other writer that the crisis of the Revolution was the result of the misdirected energy of municipal power at war with the sovereignty of the nation. This view of the Revolution is the more interesting and instructive at the present moment, because it has just been reproduced and

imitated by the Commune of Paris of 1871 under our own eyes.

But we have been led by these considerations to anticipate, and we have yet to show by what errors these fatal consequences were brought about. The Constituent Assembly had been led, as we have seen, by the disturbances in Paris to regard the establishment of municipal authority as one of the most pressing duties of the authors of the new Constitution of France. Accordingly, when in December 1789, the scheme for a new distribution of the territory of the kingdom and for the execution of the necessary administrative powers was brought under discussion, municipal government formed a part of it. It formed so much a part of it, and was nevertheless so erroneously conceived, that it became in some respects the basis of the political constitution. Thouvet and Mirabeau had both presented plans, founded mainly on the ideas of the Abbé Sièyes, for a mathematical division of the kingdom; these, however, were modified on the proposition of Barnave. France was to be divided into from seventy-five to eighty-five departments; each department was subdivided into from three to nine districts, and each district into cantons; each department and each district was to have a council and an executive board, to be elected by the people or rather by electors named by the whole population. Each city, town, and parish was to have a municipal government of its own, with a mayor and also a syndic, whose duty it was to defend the interests of the Commune. This complicated system of agents and powers composed the whole fabric of the executive authority, and in that capacity was subject to the king, but the king had no power to remove or control his own agents. To complete the anarchical confusion of the scheme, it was provided, and this is important, that the municipal authority should *alone have the power of calling out the military force for the repression of disorder*. The plan was adopted by the Constituent Assembly in a summary manner, after a very few days' discussion, though in fact the whole future government of France was at stake. The true nature and the inevitable result of it had at once been detected and described by Mr. Burke, when he called it 'the ladder of representation by which your workmen ascend from their parochial tyranny to their federal anarchy—the project of turning a great empire into a vestry, or into a collection of vestries, and of governing it in the spirit of a parochial administration—senseless and absurd, in any mode or with any qualifications.'* The primary object of the whole scheme

* Burke's Letter to a Member of the National Assembly (January 17 11). pp. 3-5.

was to grind down and pareel out the whole territory with absolute uniformity, so as to efface the distinctions and traditions of provinces and cities, and to confer upon every parish or township the same right and form of government which was adapted to the largest communities. Such was the origin of the boasted uniformity of France, which has never been violently and openly attacked until the insurrection of the Commune in the present year. But within a very few weeks it became sufficiently apparent that the result of the Constitution of 1791 was total anarchy. The directory of the department of Paris, as it was termed, was a well-constituted, liberal, and loyal body. The Duc de la Rochefoucauld was its chairman; Rœderer was Procureur-Syndic. This body was sincerely desirous to restrain the excesses and treachery of the municipality of Paris, the Commune, of which Pétion had on the retirement of Bailly become mayor. When the dreadful disturbances of the 20th June, 1792, began, this 'directory' took active measures to require the Commune to act against the insurgents. Rœderer's letters to Pétion, published by M. Mortimer-Ternaux, prove it. But whilst the mob was marching against the Tuileries, Rœderer himself held that the 'directory' had no legal power to proclaim martial law, and that this could only be done by the Commune. But the Commune were themselves on the side of the assailants. Pétion was playing into their hands. So that by this strange inversion of all authority, neither the heads of the department nor the Ministers of the Crown could give orders for the defence of the Sovereign, and the command of the military forces of Paris was in the hands of the leaders and instigators of the attack. This *reductio ad absurdum* has been forcibly pointed out by M. Duvergier de Hauranne in the introduction to his History of Parliamentary Government in France (vol. i. p. 250), a work of high authority in the elucidation of these problems, which, notwithstanding eighty years of experience, France has as yet failed to solve.

The constitution of the Commune of Paris by the special law of 21st of May, 1790, was extremely curious and complicated. It has been accurately described by M. Mortimer-Ternaux in a note to his first volume. Before 1789 Paris was divided into twenty-one quarters. The decree of the 13th of April, 1789, made for the purposes of the elections to the États-généraux, divided the city into sixty districts. These were afterwards reduced to forty-eight sections, and this distribution was retained (under the old name of *quarters*) until 1860, when Paris was extended to the outer line of the fortifi-

eations. The 'active citizens,' as they were termed, consisted of all Frenchmen assessed to a direct tax equivalent to three days' pay; these were the primary electors, convoked in their respective sections. Each section named the secondary electors, in a proportion of 1 per cent. on the numbers entitled to vote. These secondary electors were persons assessed to a direct tax equivalent to ten days' pay. There were at first in Paris about 82,000 primary electors, and consequently 820 secondary electors. The latter elected the deputies to the Legislative Assembly, the executive officers of the department, the bishop, and the judge of the district. The corporation of Paris thus elected consisted of a mayor, sixteen administrators, thirty-two common councillors, and ninety-six notables with some other officers. The mode of election was by a most intricate combination of open voting and balloting for lists. These offices were held for two years.

Two or three obvious observations are suggested by this strange constitution. In the first place, it was based on a complete confusion of political and municipal functions, or rather the municipal character was swallowed up in the political. A similar confusion existed between the elective and administrative rights of the people—in fact, the sections, which were intended to be mere electoral wards, soon assumed the character of permanent political and military bodies. In each of them debates were continually carried on, and resolutions passed which overruled the corporation and the Assembly. By a decree of the 19th of August, 1792, the former battalions of the National Guard were superseded by 'armed sections;' that is, the citizens of each district formed an armed band, acting under the orders of the commander of each section, and were subdivided into companies of 126 men. This was the application of the theory of the Jacobin Club that 'the people, and each portion of the people, and consequently each section, has the right to use its own share of sovereign power as it thinks fit.' Municipal government, so understood and practised, became simply the negation of all law. The central power of the State was totally extinguished. It had in fact no power but that of suspending public officers who failed to do their duty. But, although the whole authority and control over the capital was thus thrown on the constituencies, the electors never could be prevailed upon to vote in large numbers. At the very first election when Pétion was chosen mayor in place of Bailly, only 10,000 citizens voted. In 1792, the number of electors was doubled by the abolition of the qualification of three days' pay; they

then amounted to 160,000; but at the election for the mayoralty, which took place in October 1792, not *one-tenth* of that number could be prevailed upon to *vote at all*; 14,137 electors voted on the 4th of October, only 9,361 on the 8th of November. Of these not above 5,000 belonged to the Jacobins. In many of the sections composed of two or three thousand citizens, not more than fifty or sixty would appear; the most important questions were decided by 150 or 200 voters. Well may M. Mortimer-Ternaux exclaim, after recording these figures, that 'the culpable indifference and stupid apathy of the population of Paris' were as much to blame for the result, as the irresolution and weakness of the Legislative Assembly itself. The history of the French Revolution is the history of a triumph of a truculent minority over a timid majority by means of terror. There is not one of the bloody days of this long conflict which might not have been averted by a prompt and determined exercise of lawful authority. But the law itself was paralysed and disarmed by the institutions we have just described, and by the inconceivable inertia of the bulk of the population. It further deserves to be remarked that the Constituent Assembly which had created this Frankenstein, had provided no means of controlling it. The Commune subsisted by virtue of the constitution. It was therefore removed from the competency of the legislature to remodel or suppress it, because in fact it had the same constitutional origin as the Legislative Assembly itself.

The whole subject of the municipal policy of the revolution is so ably described by M. Mortimer-Ternaux that we are tempted to quote his remarks on it:—

'This exorbitant municipal power was not vested in the hands of magistrates who might have been personally responsible for the use of it; but it was intrusted to boards. By this wretched expedient the wire-pullers could remain in the shade, while they worked their puppets as they pleased. Everybody gave his advice; nobody acted. But, when circumstances called for a prompt decision, the lowest municipal officer would brace on his official belt, and, without a shadow of rightful authority, would give the most important, and sometimes irreparable orders. It would have been impossible more effectually to organise anarchy if they had wished it.

'But in the special institutions of the City of Paris, the Constituent Assembly, it must be confessed, reached the acme of absurdity. The whole administration of this great city was bristling with wheels within wheels, which checked and sometimes stopped the general movement. The corporation consisted of 144 members, of whom 48 were selected, and these elected 16 of their own body to form five administrative boards, each sovereign in its own department. At the head of this

body was placed a mayor, who could do much mischief and little good—free to sanction disturbances by his presence, but almost incapable of arresting them. This mayor was a sort of idol offered to the adoration of the cockneys of Paris, but an idol resembling one of those Indian deities which are made to nod and speak—which are carried in state through the streets on high holidays—but are consigned to the obscurity of the temple and to clouds of incense on the day of danger.

‘The complexity of the organic law of the municipality of Paris interfered with the true working of the elections, and disgusted the orderly electors till, in fact, they ceased to vote. But, when the ultra-revolutionary sections had resolved upon the overthrow of the throne, these artificial barriers fell like a house of cards in the night of the 9th August, at the first blast of the insurgent democracy.

‘The sittings of the municipal and departmental councils were both declared to be public, and they were consequently abandoned to the incessant and furious pressure of the galleries. Although it had been intended that the 48 sections into which the capital was divided should not remain assembled after an election, and not meet again until they were convoked by the Commune, another clause of the law provided that this convocation of the 48 sections should take place whenever it was demanded by 8 of their number. To exercise this right a Permanent Committee of 16 had been established in each section. Thus with inconceivable imprudence the Constituent Assembly had established in Paris 48 centres of perpetual agitation, and framed, as it were, all the rights and privileges of sedition. In each section a knot of leaders had been formed, who were continually calling meetings, and making the most unconstitutional and incendiary motions, which went the round of Paris in a few hours. In fact the sections had become almost permanent, even before the law recognised their permanence.’ (*Mortimer-Ternaux*, vol. i. pp. 25–27.)

Such was the constitution of the Commune of Paris at the outset of those fifty days, from the 20th June to the 10th August, 1792, which comprised the stormy transition of France from the Monarchy to the Republic—‘days,’ said Mr. Croker, who knew them well, ‘which have already had, and will probably continue to have, a greater influence on the destinies of mankind than any other fifty days in the history of the world.’* But the contest which marked those days with so much horror, infamy, and blood, was nothing more, and nothing less, than a struggle between the Jacobin party, which wielded all the resources of the Commune and the sections, and the Feuillans or constitutionalists of the Assembly. The Legislative Assembly must for ever bear the stigma of the crimes which it allowed to be committed and to remain unpunished. It was a feeble and foolish, but not a sanguinary or a lawless, body. The great majority of its members abhorred the violent

* Croker’s ‘*Essays on the French Revolution*,’ p. 161.

and ferocious policy of the Mountain. Robespierre, Collot-d'Herbois, Marat, and all the band of miscreants who figured in the Convention, had no seats in the legislature which subsisted from October 1791 to September 1792. Danton took his seat in it because after the 10th August he became Minister of Justice, or what was called so. It was in the Commune and the Jacobin Club that the real authors of the excesses of the Revolution had established their stronghold. From that fortress of illegality and arsenal of crime proceeded the arbitrary measures and atrocious conspiracies, which overthrew the Constitution of 1791, the Throne, and the Assembly itself. It was the Commune that organised in April, 1792, the ridiculous fête in honour of the Swiss of Chateaufieux, convicted traitors to their colours, who had gone over to the mob in the disturbances at Nancy, and been sent to the galleys, from which they were rescued by popular enthusiasm and brought back in triumph to Paris, where the Assembly itself was outraged by decreeing honours to the violators of law. It was in the Commune that the whole atrocity of the 20th June originated, when the mob forced its way into the Tuileries, and thrust a red cap on the head that wore the crown of France, to the imminent peril of the Royal Family. Panis and Sergent, two of the city officers of police, were the prime movers in it. Santerre, the commandant of the battalion of the district of the Enfants-Trouvés, was its leader. Pétion, on whom as mayor the duty of maintaining order chiefly devolved, equivocated, disobeyed the requisitions he received from the Council of the Department, and defeated the measures of defence he ought to have been the first to command. On that fatal day the head of the municipality of Paris was the guardian and protector (such were the strange results of an anomalous constitution) of the royalty of France; but, unlike the gallant Walworth, Lord Mayor of London, who stood by the side of Richard II. to hew down Wat Tyler, Pétion was a Judas who betrayed his king. In spite of the indignation which these outrages excited in the Assembly and throughout a great part of France, the men of the Commune persevered.* If they remained un-

* It was at this time that the celebrated petition of the 20,000 was presented to the Assembly against the culpable inefficiency and collusion of the Municipality of Paris. Subsequently, under the Convention, to have signed that petition was in itself a crime punished with instant death. Pétion and Manuel were suspended from office by the Council of the Department, though afterwards restored by the deplorable rashness of the Assembly. Six weeks later the Duc de la

punished for such acts as these, greater crimes might be committed with impunity.

And they were committed. The 10th August followed by inevitable steps the 20th June. The same authority remained at the Hôtel de Ville. The same audacity pervaded the sections. The same tricks were employed to paralyse the defence of the palace. M. Mortimer-Ternaux has analysed and dissected the authentic evidence of what took place on that memorable day with consummate ability. The story has been related a hundred times; but it has been overlaid with whole strata of inventions and lies. The true narrative is to be found in the *procès-verbaux* of the forty-eight sections of Paris and the records of the Commune—documents which are still in existence, and which M. Mortimer-Ternaux has carefully examined. We can cite but one trait of this curious picture of municipal government in France.

It happened that on the 9th and 10th August, the command of the legions in Paris devolved by rotation on one Mandat, a civic officer, favourable to the Revolution, but a man resolved to do his duty, to protect his king, and to execute the laws. On the first appearance of disorder Mandat had taken precautions, by doubling the military posts about the Tuileries and preparing an energetic resistance. He was supported and approved by a majority of the Common Council. But these measures occasioned the most violent animosity in the sections and amongst the leaders of the conspiracy in the municipal government. Upon this they determined on a *coup d'état* against their own colleagues and representatives, and promulgated the following order:—

'The Assembly of Commissioners of the majority of the Sections, being united, with full powers to save the commonwealth, has resolved that the first measure required by the public safety is to resume all the powers which the Commune had delegated, and to deprive the military staff of the influence which it has hitherto exercised in a manner so prejudicial to liberty. Considering that this measure cannot be adopted without provisionally suspending from its functions the municipality, which can never and in no case act save in accordance with established form, it is decreed that *the Common Council of the Commune is suspended*, and that the mayor, the procureur, and the sixteen administrators are to continue to perform their duties.'

We do not remember to have met with a more perfect specimen of revolutionary hypocrisy and despotism. The Com-

Rochefoucauld, Chairman of the Council, paid the penalty of that courageous action with his life. He was murdered on the road from Rouen to Paris.

mon Council protested, and were laughed at. Mandat was at once ordered to be transferred to the prison of the Abbaye. He had already nobly refused to revoke the military orders he had previously given for the defence of the Tuileries. But before he reached the prison, he was dragged from that of the Hôtel de Ville by a band of assassins, who blew his brains out with a pistol-shot on the great staircase. From the room in which they were sitting, 'the Assembly of Commissioners of 'the United Sections' could hear the groans of their victim and the ferocious shouts of his murderers; but they cared not to interrupt the course of their deliberations, and they continued to complete their orders and arrangements for the insurrection of the morrow.* The result of that morrow, the 10th August, so fatal alike to legal authority and constitutional liberty in France, was again due to the ascendancy of the Commune over the intimidated Assembly.

A complete usurpation of executive power by the insurrectionary Commune was the immediate result of the 10th August, for when the throne was destroyed, the Commune, and not the Assembly, assumed the supreme authority. The Convention itself, with all its crimes, was, comparatively speaking, a legal power; and the interval between the 10th August and the election of the Convention is the very darkest spot in the annals of the Revolution. Hostages were seized in their houses by the agents of the Communal police, women and children were cast into abominable prisons, and devoted to massacre, to answer for their husbands and fathers. The right of petition was turned into an instrument of proscription. That liberty of conscience which had been proudly inscribed among the rights of man was violated by consigning the clergy wholesale to death or deportation. The liberty of the press was annihilated by a decree which suppressed all journals attached to the cause of monarchy—their presses were seized and their editors arrested. Municipal delegates took possession of the post-office, stopped the mails, and opened the letters. All powers, in short, were usurped by a single band of ruffians, who called the ministers, the magistrates, and the executive officers of the State to their bar. Paris, and the leaders of the mob of Paris, were absolute, not only within the walls of the capital, but beyond them. The National Assembly was a mere instrument to register their edicts. One of its first acts was to vote a monthly subsidy of 850,000 francs to be spent by the Commune at its pleasure. A new law of general police voted on

* Mortimer-Ternaux, vol. ii. p. 283.

the 11th of August, charged the *municipal* authorities with the detection and prosecution of crimes against the State, and gave them full powers to detain and arrest all suspected persons. This act alone placed the whole population at their mercy.

The next step was the creation of what was termed the *Comité de Surveillance* of the Commune, or, as it was termed at the Hôtel de Ville with ominous reality, the *Committee of Execution*. The nature of their functions may be inferred from the following extract from their records:—

‘ 23rd August, 1792.

‘ Upon hearing the Procureur-Général of the Commune, the Common Council orders that the guillotine shall remain standing until further order, with the exception, however, of the knife, which is to be removed after each execution.’

‘ 24th August, 1792.

‘ The Common Council authorise the manufacturer of machines for decapitation to furnish one of these for the department, to be paid for by whom it may concern.’

The Commune hastened to present at the bar of the Assembly an address, proceeding from the pen of Robespierre, and read by the mouth of Tallien, in which they boldly asserted that they alone had saved the country on the 10th of August by the exercise of their revolutionary powers. The Assembly, not yet entirely vanquished, replied by its President Lacroix that ‘ the formation of the provisional Commune ‘ of Paris was contrary to law, and that it was a disgrace ‘ to the Revolution to exhibit a single Commune in open ‘ defiance of the general will, struggling against the National ‘ Assembly.’ One of the leaders exclaimed, ‘ The people are ‘ waiting at the door for your answer. The people is free, ‘ and you deprive it of liberty.’ To which Lacroix rejoined, ‘ Are *we* then free?’

The day which followed this scene was that on which the leaders of the Commune, Marat, Danton, Robespierre, Manuel, Hébert, Billaud-Varennes, Panis, Sergent, Fabre d’Eglantine, Camille Desmoulins, and a few others, prepared and consummated the most atrocious of their crimes—the general massacres of the *détenus* in the prisons of Paris from the 2nd to the 5th of September. It is impossible to resist the evidence that everyone of these persons was privy to this abominable action. Danton desired and encouraged it. Robespierre, by the admission of M. Louis Blanc, did not prevent it. Manuel, Hébert, Billaud-Varennes were present in one or other of the prisons. The last-mentioned patriot paid the hired murderers their hard-earned blood-money of 10 or 12

francs a day. M. Mortimer-Ternaux has seen the receipts, which are still in existence.*

The Committee of Surveillance even prepared warrants for the arrest of Brissot, Roland, and thirty of the Girondins—but their time was not yet come. In the section of the Faubourg Poissonnière the following decree was proposed and carried:—

‘Considering the imminent danger of the country and the infernal machinations of the priests, it is RESOLVED:—

‘1. That all the priests and suspected persons confined in the prisons of Paris, Orleans, and elsewhere shall be put to death.

‘2. That the wives and children of *émigrés*, and of persons who are missing, shall be placed in line in front of our volunteers on the frontier, so as to protect these brave *sansculottes* from the blows of the enemy.’

At the Luxemburg, where Joachim Ceyrat was in the chair, the following resolution was carried:—

‘1. The motion of a member to purge the prisons by shedding the blood of the *détenus* of Paris having been adopted, three commissioners are named to convey this resolution to the Common Council, in order to act with uniformity.’ (*Mortimer-Ternaux*, vol. iii. p. 218.)

On the following day, whilst the streets of Paris ran with blood, and 1,368 mutilated corpses of innocent men, women, and children (that seems to have been the exact number of the victims), were carted off to the lime pits, the following circular was issued by the Commune of Paris to the departments:—

‘The Commune of Paris hastens to inform its brethren in all the departments that a portion of the ferocious conspirators, confined in the prisons, have been put to death by the people—an act of justice which appeared indispensable to restrain by terror the legions of traitors hid within our walls, while we are marching against the enemy; and no doubt the whole nation, after the long series of acts of treachery which have led it to the edge of an abyss, will hasten to adopt a measure so necessary to the public safety; and all Frenchmen will cry with the Parisians, “We are marching against the enemy, but we leave behind “us no brigands to immolate our wives and our children.”’

‘The Members of the Committee of Surveillance, Administrators of the Public Safety, and adjunct Administrators.

‘P. J. Duplain, Paris, Sergeant, Lenfant, Jourdeuil, Marat (*l’ami du peuple*), Deforgues, Duffort, Cally, Delegates of the Commune at the Mansion-house assembled. Paris, 3 September, 1792.’

(*Mortimer-Ternaux*, iii. p. 308.)

* We have on a previous occasion discussed Louis Blanc’s extravagant theory that the massacres of September were the result of an unpremeditated popular rising. See Ed. Rev. cxviii. p. 113, where the reader will find the evidence minutely examined.

A last attempt was made by the Assembly after this unparalleled outrage to crush the Commune, and to wrest from these maniacs the power they abused. Cambon exclaimed, 'If you choose that the Commune de Paris should govern the empire, as Rome did, let us submit and lay our heads on the block. But you have sworn to defend the people and to die at your post. Keep then your oath and assert the authority of the nation.' But, as is well known, these efforts were vain. Even the decree which broke the Commune was evaded. Its power was irresistible, and within a few days it attained, what Cambon had called its secret object, which was to overthrow the Assembly and name a National Convention. From that moment, and for nearly two years from that time, the leaders of the Commune were, under another name, the rulers of France, and the Reign of Terror was established. The elections to the Convention were of course made under their direct influence. The Convention itself, in which the majority still belonged to the moderate party, was overawed by the Commune. The Commune pointed the cannon of Henriot on the 31st May, locked the doors of the Assembly on its own members, and exacted the surrender of the twenty-two chiefs of the Gironde.

Here we pause. It is not our object to relate again these dreadful and too famous scenes. Our purpose was merely to demonstrate by what means the Communal authority of Paris overthrew the supreme power of the lawful legislature and subjected the nation to its will. The striking resemblance between these occurrences and those we have just witnessed, does not require to be pointed out.

But it will be said, the Commune of 1871 did not resort at first to these extreme measures. It burnt the guillotine, and it reserved the massacre of its prisoners for the dreadful moment of its own final destruction. In the place of a feeble and defenceless Assembly within its grasp, the representatives of the nation were at Versailles disposing of an army of 100,000 men. Civil war therefore superseded mere terrorism and assassination, and though it may cause even more bloodshed and misery than a Reign of Terror, we infinitely prefer an open contest to be fought out in the face of day to a system of delations, organised seditions, secret persecutions, and judicial murders. If law is suspended by revolution, the authority of arms is the only defence of right. We doubt not that when the truth comes to be known, it will be found that this extraordinary power over the great city was exercised by a very small number of desperadoes and fanatics, who have summoned

all revolutionary agents of Europe to their assistance, and have contrived to possess themselves of the town as much by their impudence as by their strength. Acts of lawless violence and dishonesty they have not for a moment scrupled to commit. They arrested crowds of innocent persons, up to the Archbishop of Paris and the President of the Court of Cassation whom they eventually murdered; they proscribed and persecuted the clergy, and profaned the churches with infernal ribaldry and pollutions; they extinguished the liberty of the Press; they created exceptional courts of justice, in which the functions of jurymen were vested in the 'Delegates of the National Guard'—the modern form of the old sections; they imposed forced military service on the whole population between nineteen and forty, on pain of imprisonment, if not death; they raised money by wholesale robbery and by private pillage; and they boast of an insane vandalism against public and historical monuments which are the pride and glory of France. All this, we suppose, is what M. Délescluze (who was one of the thinkers among them) meant, when he said on the 22nd April, 'We are for revolutionary measures, but we wish to observe forms, and to respect law and public opinion.' When, however, the supreme hour arrived, and the defence of Paris by revolutionary means became impossible, they threw off all disguise, and proceeded to commit acts of vengeance of so diabolical a character, that even the crimes of the Commune of 1792 pale before them. They at least were committed in the name of liberty and national defence; these are the mere extravagances of demons intent on social revolution. An insane hatred of capital and the rights of property was superadded to the political passions of the first Revolution.

Yet we will do the members of the Commune the justice to suppose that some at least among them had a theory of government and political rights, for which they conceived it to be worth while to risk their lives and to wage war against their native country. The energy of their protracted defence implies a conviction that they conceived themselves to be fighting for some just and necessary cause. What was it?

The theory of the Commune, as far as we are able to collect it from its own declarations, is that, whereas an absolute Imperial Government had been imposed on the whole of France by the exercise of universal suffrage throughout the territory, and, in short, the country outvoted the towns; so now, the Empire being overthrown and the Republic proclaimed, each town should assume and retain absolute independence, extending to the sole command of its own police, military forces, and admi-

nistration of justice. The following passage from the official declaration of the 19th April deserves to be preserved. It is an answer to the question, 'What does Paris demand?' and it was probably written by Délescluze, who perished behind a barricade on the 25th May.

'The recognition and consolidation of the Republic, and *the absolute independence of the Commune extended at all places in France*, thus assuring to each the integrity of its rights, and to every Frenchman the full exercise of his faculties and aptitudes as a man, a citizen, and a producer. *The independence of the Commune has no other limits but its rights.* The independence is equal for all Communes who are adherents of the contract the association of which ought to secure the unity of France. The inherent rights of the Commune are to vote the Communal budget of receipts and expenses, the improving and alteration of taxes, the direction of local services, the organisation of the magistracy, internal police, and education; the administration of the property belonging to the Commune, the choice by election or competition, with the responsibility and permanent right of control and revocation of the Communal magistrates *and officials of all classes*, the absolute guarantee of individual liberty and liberty of conscience, the permanent intervention of the citizens in Communal affairs by the free manifestation of their ideas and the free defence of their interests, guarantees given for those manifestations by the Commune, who alone are charged with securing the free and just exercise of the right of meeting and publicity, *and the organisation of urban defence and of the National Guard, which must elect its chiefs and alone watch over the maintenance of order in the city.* Paris wishes nothing more under the head of local guarantees on the well-understood condition of regaining, in a grand Central Administration and Delegation from the Federal Communes, the realisation and practice of those principles; but, in favour of her independence, and profiting by her liberty of action, she reserves to herself liberty to bring about as may seem good to her administrative and economic reforms which the people demand, and to create such institutions as may serve to develop and further education. Produce, exchange, and credit have to universalise power and property according to the necessities of the moment, the wishes of those interested, and the *data* furnished by experience.

'Our enemies deceive themselves, or deceive the country, when they accuse Paris of desiring to impose its will and supremacy upon the rest of the nation, and to aspire to a Dictatorship which would be a veritable attempt to overthrow the independence and sovereignty of other Communes. They deceive themselves when they accuse Paris of seeking the destruction of French unity, established by the Revolution. The unity which has been imposed upon us up to the present by the Empire, the Monarchy, and the Parliamentary Government, is nothing but centralisation, despotic, unintelligent, arbitrary, and onerous. The political unity, as desired by Paris, is a voluntary association of all local initiative, the free and spontaneous co-operation of all individual energies with the common object of the wellbeing, liberty, and security of all.'

In spite of the vague and ill-translated language of this document (which we have not seen in the original), it is evident that this idea of communal government is based on communal sovereignty. Instead of municipal power being derived from the State or from the State Legislature, the State itself is to become 'a voluntary association of local initiation'—instead of being subservient, the Commune becomes supreme. The tie uniting these independent sovereignties together being voluntary, is, at most, a slender Federal contract. The authority of the State would therefore be extinguished. The towns would become the centres of political power, but they would be disunited; and the country would, we presume, be held like the *terra firma* of Venice, or the rural districts of the Republic of Florence, in subservience to the urban authority. The Girondins of 1793 were proscribed for their attachment to what was called 'Federalism,' which only meant that they denied the central dominion of Paris, and thought that the National Assembly ought to be protected against Paris by the forces of France. But the Girondins never propounded a scheme which would, like this, disintegrate the territory, depose the Government, and annihilate the collective authority of the law. By a curious inversion of the parts taken in this Revolution, the Conservative Assembly at Versailles is now defending the 'one and indivisible' commonwealth of France, whilst the descendants of the Mountain would pulverise it into a thousand fragments. They propose to carry the French municipal theory of divided sovereignty to its extreme limits, and the consequence will probably be that in the end municipal institutions will be more discredited than they deserve.

It is certainly one of the most curious results of the aberration of the human mind, when it has freed itself from the restraints of faith, law, and experience, that such schemes as these should be propounded for the regeneration of France and described by British democratic writers as 'the finest political conception of the age.'* To us the scheme seems somewhat deficient in originality, but for the purpose of destroying the social and political existence of a nation it is no doubt admirably adapted. It would in fact bring France back to the condition she was in, under the feudal system, in the eleventh century, as described by the most eminent of her own historians: 'Le caractère propre, général, de la féodalité,' said

* The expression was used by Mr. Frederic Harrison; for the Commune of 1871 finds apologists and even admirers among a certain class of persons in this country.

M. Guizot in 1829, 'c'est le démembrement du peuple et du pouvoir en une multitude de petits peuples et de petits souverains; l'absence de toute nation générale, de tout gouvernement central.'* The Republican Commune aimed at recovering precisely the same isolated, turbulent, and destructive power which was exercised in the darkest of the middle ages by the feudal nobility. The excess of centralisation in France has no doubt given birth to this protest against central authority—that nation, once proudest of its national gifts, and now humbled by the loss of them, was to be taught to renounce alike national authority, national strength, and of course national pride—the empire builded up by the conquests of a thousand years was to be shattered by the workmen of Paris and their inspired guides into communities about the size of the Swiss Cantons, for that is, according to M. Comte, to be the form of government of Western Europe—and the social life of one of the wealthiest and most industrious of cities was to be placed under new conditions by the expulsion of capital and the extinction of credit—the reign of privileges was to be restored in the land of equality, but they were to be the privileges of the towns over the country, of the needy over the rich, of the turbulent over the peaceful population—lastly, universal suffrage was to be deposed and repudiated because it affords too firm a foundation for the will of the majority, and the minority is to claim its right of directing the revolutions of the world. To these wild pretensions there is but one answer. As they would within a very short space of time annihilate, not only all political power and order, but the very means of existence, and reduce mankind to a second and more brutal barbarism, it is absolutely necessary to resist them by force. Society is, indeed, already resolved into its primitive elements, when it is called upon to take up arms in defence of the first principles of life, property and liberty. That is unhappily the state of France, but it is the result, as we endeavoured to show last January, of the protracted influence and action of the false doctrines sanctioned eighty years ago by the authors of the Revolution. We traced it then in other forms: we have traced it now in the erroneous conception of municipal power. With these materials the result was long ago foreseen and predicted. That identical result is now before us—no sovereign, no allegiance to the ruler or to the law, no undisputed authority

* Guizot, 'Histoire de la Civilisation en France.' Cours de 1829-30, Leçon i. p. 6.

in the representation of the people, no certain peace between the regular and the civic forces of the country, and a chaotic state of society, in which the evils of foreign occupation and the burden of an enormous tribute to a victorious enemy, are almost forgotten in comparison with the internal calamities of France.

Gloomy as this prospect is—and we hold it to be the most awful spectacle that the world has witnessed since the invasion of the barbarians—it has not been entirely unforeseen even by the most patriotic Frenchmen. More than twenty years ago, M. Raudot, then a member of the Legislative Assembly, published an essay entitled ‘*De la Décadence de la France*,’ which we have placed at the head of this article, to show that if our prognostications are dark, they are not conceived in any spirit of national rivalry, but have already been anticipated by some reflecting and patriotic Frenchmen. M. Raudot first established by figures that the Revolution had cost France all her great colonies, and that her population had increased by about one-sixth, while that of England and of Germany had doubled. ‘*Si la dissolution des deux grands royaumes de la Prusse et de l’Autriche*,’ said he, ‘*doit évanter l’unité de l’Allemagne, la puissance relative de la France sera encore bien plus faible. Un état compacte, plus grand que la France d’un cinquième et peuplé de quarante millions d’Allemands, rejetterait la France au second rang, et pourrait, en s’alliant à l’Angleterre, causer sa ruine complète.*’ This was published in 1850. He then examined the state of her forces, of her wealth (which has since enormously increased), and the physical diminution of the standard for recruits. If the standard of height which was in force before 1789 were still required, half the population would be rejected; it has in fact been lowered more than three inches. Thus he arrived at the conclusion that France was declining and would decline under the influence of her system of centralisation, which caused the nation to regard the State and Paris as the only vital portions of the country. At the close of this remarkable paper he wound up the subject by pointing out that the subdivision of landed property was tending more and more to give the peasantry exclusive possession of the soil—that the peasantry must therefore soon find themselves at variance with the classes who seek to draw their existence from the State, since the former pay, and the latter receive, the taxes—that the increase of luxury tended to waste the substance of the upper classes, and that the towns were peopled with multitudes of men who lived chiefly by ministering

to this expenditure—that the concentration of power led men to look to the State as the sole source of activity, and even as the sole rightful owner of property—that if the life of a great people is arrested, the increase of poverty is such and so sudden that despair drives men to pillage, and civil war—that in such a state of things the foundations of the edifice are upon a quicksand, which may be shaken at any moment by a popular convulsion—and that the army alone remains; but as an army can only exist with subordination, discipline, and obedience, its power depends on the maintenance of those conditions (which are now lamentably wanting), and on the other hand the burden and expense of large armies is an additional grievance to the people. Our readers will judge for themselves to what extent these far-sighted observations have been realised.* To us it appears that the Revolution has very nearly reached its ultimate consequence by the repeated overthrow of the State and the attempted destruction of the capital; and that if the same principles were to continue to operate for another half century they would end in the annihilation of the country. But we are not without hope that the tremendous severity of this last paroxysm may work a salutary change. For the first time in the course of the Revolution, Paris has been overpowered and crushed by the nation. Great as the disaster is, we are assured that the abasement of Paris is not regarded as an unmixed evil by the provinces. ‘Let Paris perish,’ is their cry, ‘if she is to be to us for ever a hotbed of revolution or a seat of despotism.’ The moment is approaching—perhaps it is come—when a great creative genius might construct in France a system of government on entirely new principles, or rather on old principles revived, and entirely opposed to the revolutionary centralisation of the last eighty years; but the whole edifice must be built up from the foundation, and the strength of the base is of more importance than the form of its architecture or the name of the superstructure. But who is equal to so great an enterprise?

* Few Englishmen have been better acquainted with France and French society than the late Mr. Senior. His Journals kept in France and Italy in 1848 and 1852, and recently published by his daughter, contain a most accurate and interesting account of the state of political society in those countries at that time.

LETTER FROM EARL GREY.

The following letter has been addressed to the Editor of this Review by Lord Grey:—

‘ 13, Carlton House Terrace.

‘ May 26th, 1871.

‘ In the article in the last number of the “*Edinburgh Review*” on “*Lord Broughton’s Recollections of a Long Life*,” I find some statements which I consider so inaccurate, and so injurious to my father and to myself, that I feel it necessary to contradict them, and to ask you to insert my contradiction in the next number of the Review. The most material of the statements to which I refer are to be found in p. 306, and the three following pages of the Review,—in which my father is represented as having been inclined in February 1832 to retract the resolution which had previously been adopted, to carry the Reform Bill by the creation of peers, and Lord Broughton’s account of a conversation he had with me is quoted in support of this statement. No one who was acquainted with Lord Broughton can have the slightest doubt of his having intended to give a perfectly true description of all that passed in that very remarkable crisis, but in a time of such extreme excitement, when events followed each other so quickly, and men’s opinions varied from day to day, it was exceedingly difficult, even for those who were in the Cabinet, to arrive at a full and accurate knowledge of all that was going on. It is not, therefore, at all surprising that Lord Broughton, who was not then a member of the Cabinet, should have failed to obtain such information, and I can most confidently affirm, from my own knowledge and recollection, that the account of these transactions contained in the Review is very far from correct. My father never for a moment hesitated in his conviction that it was his duty to resort to a creation of peers, to whatever extent might be necessary, to carry the second Reform Bill, nor did he ever falter in his determination to fulfil this duty. But he believed it to be of the very highest importance for the future welfare of the nation, that the necessity for having recourse to this measure should be averted; and he was not less convinced that even if it were certain that it could not in the end be avoided, it ought to be deferred as long as possible, because to resort to it prematurely would defeat its object, and the ultimate success of the Bill was most likely to be secured by keeping this last resource in reserve, till it should become indispensable to use it.

‘ My father’s correspondence with the King which I have published contains ample evidence that this is the correct account of the view he took of the subject, and that he steadily acted upon it. On reference to this correspondence (vol. ii. p. 96), it will be found that so early as the 13th of January, 1832, a minute was agreed to by the Cabinet in which the unanimous opinion of its members was expressed, that it was necessary for them to have the power of making an addition to the peerage for the purpose of carrying the Reform Bill, and that the expediency of making such an addition depended upon His Majesty’s

being prepared to allow them "the power of carrying it to the full extent which might be necessary to secure the success of the Bill." The correspondence that followed between my father and the King shows that the power asked for was given to the full extent, that my father firmly refused to be limited to any number, however large, of peers to be brought into the House of Lords, and that he adhered without variation to his original determination, to recommend as large an addition to the House as might be necessary for the success of the Bill, whenever that necessity arose, but not sooner. His correspondence with his colleagues is all to the same effect, and shows that he had no little difficulty in keeping them together in adherence to the line of policy he had laid down, which some of them were anxious to depart from on one side, and some on the other.

But it is not difficult to understand how Lord Broughton was led to believe that my father's resolution was giving way. At the time he is speaking of (February 1832) there was an almost unanimous opinion among my father's most trusted friends, that he was deferring the creation of peers too long, and the pressure that was brought upon him to have recourse to that measure without delay was so strong that few men would have been able to resist it. I have recorded this, with my father's own explanation of his conduct, in a note on his letter to Sir Herbert Taylor of the 10th of February, 1832 (Correspondence, vol. ii. p. 195), of which I will here insert the conclusion:—"This general concurrence of opinion had produced so much effect upon my own mind that I took the opportunity one evening when we were alone in the dining-room after the ladies had left it, to express to him the great fear I entertained lest he might be making a mistake in deferring a measure so generally regarded by his friends and supporters as being urgently necessary. He answered that he had considered the question most deeply; that he was quite aware of its extreme importance both to the nation and to himself; that as to himself the loss of the Reform Bill a second time in the House of Lords would be fatal to his character as a public man, and make his whole long political life a failure; but he must play the game his own way; that he was convinced a premature creation of peers instead of securing the passing of the Bill would diminish the chances of its success; and that he would not suffer himself to be driven into acting until in his own judgment the proper time for doing so was come. I answered that I was quite content with the assurance that he had considered the matter thus carefully; that I was sure his judgment upon the question was more to be relied upon than that of any of his advisers, and that I hoped he would continue to act upon it." With reference to the subject of this letter I will now add (what I did not think it necessary to mention when the above note was written) that in the conversation referred to, my father explained to me the grounds of his opinion that for the final success of the Bill it was necessary to defer the creation of Peers as long as possible. To the best of my recollection what he said was to the following effect:—He considered that the motive which was likely to induce Lords Harrowby and Wharncliffe, and those who agreed with them, to vote in favour of the second reading of the Bill

was their desire to prevent what they considered the great evil of creating peers to carry it, but as soon as that step had been taken, this motive would cease to operate, and they would naturally vote, in accordance with their opinion, against the Bill, and might be followed by no small number of peers who, though supporters of the Government, were known to be averse to any large addition to the House of Lords. Hence the probability of carrying the second reading of the Bill would be diminished instead of being increased by at once making peers, unless the number made were very large indeed. He added that there was another consideration which was not to be lost sight of. After a very large creation of peers to carry the second reading, it would scarcely be possible again to resort to a similar measure if difficulties should arise in the subsequent progress of the Bill, and considering how notoriously some of its important provisions were disliked by many of those who supported it as a whole, there would be great danger that in the Committee the Government might experience defeats, which would prevent the measure from passing in a shape that would give satisfaction to the country. On the other hand, if the Government succeeded in carrying the second reading without having created peers, keeping their power to do this in reserve, there was a strong probability that the fear of its being used might have so much effect in the House, as to prevent their incurring a defeat on any vital point, while even if they should do so, such a defeat would not be fatal, since an adverse vote in the Committee might be rescinded in the next stage of the Bill, and the Government would retain in their hands the means of securing this.

'A letter addressed by my father to Lord Althorp on the 11th of March, 1832, which will be found in his correspondence with the King (vol. ii. p. 262), states nearly on the same grounds his firm determination not to advise a large creation of peers before the second reading of the Bill, notwithstanding his having been very strongly urged to do so by Lord Althorp himself, Lord Holland, and Lord Brougham, whose judgment had probably more weight with him at that time than that of any other three persons that could be named.

'Such was the view of the subject taken by my father, and the result clearly proved that he was right, nor can I doubt, from having very carefully watched the progress of the Bill, that it would have been shipwrecked, and irreparable mischief produced by a premature creation of peers. But it was very natural that those who were not aware of the grounds on which my father acted, and only knew that he firmly refused to take the course which the great majority of his best friends, and some of his colleagues, believed to be necessary for the success of his great measure, should have attributed his refusal, like Lord Broughton, to weakness and infirmity of purpose. And this mistake, with regard to the motives of my father's conduct, may also explain what clearly must have been another mistake of Lord Broughton's as to his conversation with myself. I do not remember to have had such a conversation with him at all. I have, however, no doubt that it must have taken place as Lord Broughton says so, but it is quite certain that he must have much misunderstood what I

said. It is totally impossible from what I distinctly remember of my opinions and feelings at the time that I could have meant to say what Lord Broughton attributes to me. I could not have said that my father "was not aware of the consequences of rejecting the Bill, or of the paramount importance of the measure itself," because this would have been directly the reverse of what I well know to be the truth; but before I had had with him the full conversation to which I have just referred, I certainly shared in the general opinion of his friends, that he was not sufficiently alive to the greatness of the danger that the Bill would be lost in the second reading unless peers were previously created, and I believed that he was making a mistake which would have very fatal consequences. I dare say that in this belief I may have urged Lord Broughton, as a person whose judgment would have weight with my father, to press upon him the opinion held by both of us, that the creation of peers ought not to be deferred. And I can easily conceive that what I may have said with this view, being referred by Lord Broughton to what he had heard from other quarters, might have been misunderstood by him in the manner he has stated.

'There is another matter adverted to in the article which I must also notice. I refer to the account of the circumstances that led to my father's retirement from office in 1834, which is to be found in pages 312-314 of the Review. The Reviewer, partly on the authority of Lord Broughton's recollections, partly on that of other information communicated to him, gives the following account of what occurred. He says, "A Bill for the renewal of the Coercion Act, in all its extent, was contemplated when Mr. Littleton stated to Lord Wellesley, then Lord-Lieutenant of Ireland, in a letter dated 19th of June, 1834, that in his opinion the Irish Government was not likely to require any other extraordinary powers than those that were directed against agrarian disturbances. This suggestion was made at the instigation of Lord Brougham, the Lord Chancellor, who wrote himself to Lord Wellesley to the same effect the same day. It was therefore proposed to omit from the Bill the clauses empowering the Lord-Lieutenant to prohibit public meetings, and the Court Martial clauses which constituted half the Act, from a belief that the introduction of those clauses would endanger the passing of the Tithe Bill, and would provoke O'Connell to resort to agitation and opposition to the Government. Lord Wellesley replied to this letter on the 21st of June:—'I entirely agree with you, and have written to Lords Grey, Brougham, and Melbourne accordingly.' He did so write in a very able and important official despatch of the same date." The Review then gives a long account, which it is unnecessary for me to quote, and which I therefore omit, of the conduct, and of the communications with each other of different members of the Government, after which it proceeds to say (p. 314), "Lord Grey justified his own refusal to concede anything on the ground of a private letter from Lord Wellesley, but that letter was written some days previous to the official letter of the 21st of June." Such is the statement in the Review, but from the most authentic contemporary record it appears (see Hansard, 3rd

series, vol. xxiv. p. 1019) that the question of renewing the Coercion Act was brought under the consideration of the Government by the Lord-Lieutenant, in an official despatch addressed to the Secretary of State on the 18th of April, 1834. In this despatch (quoted by my father when introducing the Bill for the renewal of the Coercion Act on the 1st of July) Lord Wellesley transmitted to the Government the replies of the officers at the head of the Irish police, to queries he had put to them as to whether it would be right to renew the Coercion Act, and if so, whether any changes ought to be made in it. After observing that all the replies from these officers were in favour of renewing the Act, Lord Wellesley added, "that it was almost superfluous to say that he approved of the opinions stated by them, and that he anxiously desired to see the Act renewed." This despatch was included in the papers laid before Parliament by His Majesty's command, and its actual words are still stronger than its purport as given by my father in the above quotation from his speech. The same papers also include a longer despatch of Lord Wellesley's of the 15th of April, in which he said, "These disturbances have been in every instance excited and inflamed by the agitation of the combined projects for the abolition of tithes, and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude that His Majesty's Government should fix the deepest attention on the intimate connexion marked by the strongest characters in all these transactions between the system of agitation, and its inevitable consequence, the system of combination leading to violence and outrage. They are inseparably cause and effect, nor can I (after the most attentive consideration of the dreadful scenes passing under my view) by any effort of my understanding separate one from the other in that unbroken chain of indissoluble connexion."

'In accordance with the opinion thus expressed by the Lord-Lieutenant it was decided by the Government that the Act should be renewed with no change except the omission of the Court Martial clauses which had never been made use of, and which it had therefore been agreed to omit, while no other alteration in the measure had been suggested. Accordingly on the 19th of June (Hansard, vol. xxv. p. 119) my father gave directions to the Attorney-General to prepare the Bill in this form, in the firm belief that he was acting with the full concurrence of the whole Cabinet. Up to the 23rd of June my father said (Hansard, vol. xxiv. p. 1307, and xxv. p. 119) that he had no reason to believe that any doubt upon the subject of renewing the Coercion Act in the above shape was entertained by any member of the Cabinet; it was the opinion of himself and of all his colleagues that in consequence of the despatches received from Ireland, it was indispensable that the Act should be thus renewed. "But," he added, "on the 23rd of June I received a letter from the Lord-Lieutenant of Ireland—a private and confidential letter which I never would have mentioned out of the Cabinet had I not been obliged to do so by the necessity of the circumstances in which I am placed, in which letter the Lord-Lieutenant did appear to take a new view of the subject, and which, therefore, I did think it necessary should be laid before my colleagues. This

letter appeared to be produced not by any original view of the subject taken by that illustrious person, of whom I cannot speak too highly, and who in this part of the transaction, as in every other, acted from the most conscientious desire to discharge his duty. That letter, I say, appeared to be produced not so much by any original view taken of the state of Ireland as by certain considerations which were suggested to the Lord-Lieutenant from this country without my knowledge or concurrence; considerations affecting rather the political state of parties in this country than of Ireland. I thought the view taken in that letter was completely erroneous." (Hansard, xxiv. p. 1308.)

'It will be observed that the Lord-Lieutenant's letter which created the division in the Cabinet is here distinctly stated by my father to have been a "private and confidential" one, and that he says nothing of any such "able and important official despatch" as the Reviewer alleges to have been written to recommend the omission from the Bill of the clauses relating to public meetings. Nor is there the slightest allusion to the existence of a despatch to this effect in the subsequent discussions that took place; on the contrary, it was expressly affirmed that there was no such despatch.*

'After having described the letter he had received on the 23rd of June my father proceeded to state that it led to some further correspondence with Lord Wellesley on the subject, and to discussions in the Cabinet which ended in his bringing forward, with the concurrence of the Lord-Lieutenant and of the whole Cabinet, the Bill for renewing the Coercion Act without any alteration except the omission of the Court Martial clauses. On the 1st of July the Bill was brought into

* 'On the 18th of July, Lord Wharncliffe moved in the House of Lords an Address to the Crown for "a copy of any communication received from the Lord Lieutenant of Ireland, stating the grounds of his having altered the opinion expressed in his Excellency's letter of the 18th of April last to Viscount Melbourne, in favour of the renewal of the bill for the suppression of disturbances in Ireland." Whereupon it is reported that Lord Melbourne (then Prime Minister) rose for the purpose of opposing the motion, on grounds already anticipated by the noble baron: namely, that this was a private communication, which could not fairly be called for by the House. It was a confidential letter, addressed to the Prime Minister, with whom the Lord Lieutenant held no official correspondence, and not to the Secretary for the Home Department, with whom it was usual for him to have such correspondence, and no reason had been stated to induce the House or the Government to consent to so great a violation of principle as was now proposed, or to adopt a course entirely new and unprecedented; the effect of which would be to violate the secrecy of private and confidential correspondence, to shackle and impair the security of all future communications with ministers, and to set a precedent inconvenient in the highest degree to the public service. These were the grounds on which he felt bound to oppose the production of the document in question. Considering the course the Government had now taken in reference to the Coercion Bill, he frankly admitted that nothing could be more advantageous to himself and the Government than the production of this letter, which would completely justify their conduct.' (Hansard, vol. xxv. p. 111.) My father supported Lord Melbourne in resisting the address on these grounds, and said, 'This was entirely a private letter, it was in his possession; nobody had a right to require its production; and he could not consent to give it up without the sanction of the noble Marquis the Lord-Lieutenant of Ireland.' The motion was withdrawn.

the House of Lords in this form, and it was read a second time on the 4th. On these occasions my father expressed in the strongest manner his conviction of the necessity of renewing the Act, and of retaining in it the clauses directed against the abuse of the power of holding public meetings, without which he said he would not have proposed the Bill at all (Hansard, vol. lxxiv. p. 1127-8). In saying so he believed (as he had a right to do from what had passed) that he was declaring views which had in the end received the assent of the whole Cabinet, whatever might at one time have been the opinion of some of them. That assent had undoubtedly been given to the measure, though not without difficulty, for a strong difference of opinion as to the propriety of retaining the clauses respecting public meetings had been created in the Cabinet by the letter received from Lord Wellesley on the 23rd of June. This had become known to Mr. O'Connell, and he availed himself of his knowledge to bring the fact before the House of Commons in a manner which eventually made it impossible for the Government to proceed with the Bill in the form in which it had been introduced into the House of Lords.

'Such were the real facts with respect to the bringing forward of the Bill for renewing the Coercion Act according to statements publicly made at the time and never disputed. There can be no need for pointing out how widely they differ from the account of them given in the Review. Nor is the account it gives of the conduct and motives of those who were concerned in this affair, and of the communications that passed between them, less completely erroneous. I will abstain however from entering into the details which would be necessary in order to expose the mistakes I allude to, but I cannot leave the subject without affirming that my father's resignation was not brought about in the manner alleged by the Review. Its immediate cause was no doubt the resignation of Lord Althorp, who felt that after the disclosures in the House of Commons, it was impossible for him to continue to hold office, if the Bill were to be proceeded with in the form in which it had been brought into the House of Lords. But from the course he took after my father's retirement it must be inferred that if Lord Althorp had been asked to withdraw his resignation on the understanding that the Bill should be modified, he would not have refused to do so, and any change in the administration might have been averted. This, however, was not proposed by my father, who was of opinion that in the circumstances in which he was placed his own resignation was necessary. It was rendered so, in the first place, by the fact (on which he laid most stress in the House of Lords) that having brought in the Bill with the concurrence of the whole Cabinet, and of the Lord-Lieutenant of Ireland, he suddenly found himself deprived of the power of carrying the measure so introduced, and which he had just publicly declared to be in his opinion necessary to secure the public peace in Ireland, by the secession of a member of the Government whose services were indispensable for its continuance. With his high standard of the duties of a Minister this alone would have made it difficult for him to continue at the head of the Government, but the manner in which he had been brought into this diffi-

culty had perhaps even more influence in leading him to regard his position as no longer tenable. From the full account he gave me at the time of the motives on which he acted, it would be in my power to show how much this consideration weighed with him. But he only distantly alluded to it in explaining his resignation in the House of Lords, and expressly said that he would not state more than was "absolutely indispensable." His generous desire to avoid saying anything which might be painful or injurious to others, even at the risk of leaving his own vindication less complete than it might have been, was one of his motives for the reserve he maintained; and though this reason for it has lost much of its weight from the lapse of time, I still think it right not to depart from it farther than is required, in order to correct the most material of the erroneous statements that have been made.

'I am faithfully yours,

'GREY.

'H. Reeve, Esq.'

We think it due to Lord Grey to publish this communication, and we do so the more willingly as it contains some additional particulars of historical interest; but (with one trifling exception to which we shall presently allude) we do not admit that he has made out his charge of inaccuracy against the contemporary statements of Lord Broughton, and we entirely repudiate his allegation that these statements are 'injurious to his father or to himself.' On these points our readers will judge for themselves. We shall endeavour to confine our reply within the shortest possible limits.

It is admitted on all hands that however resolved Lord Grey may have been to create peers, if necessary, to carry the second Reform Bill, he was anxious to delay the creation as long as possible. He felt, to use his own words, 'a repugnance, amounting to aversion, to 'such a measure.' That being the fact, which was known to all his friends, various motives were imputed to him. The delay might arise from irresolution or from a wise policy. The present Lord Grey admits that 'there was an almost unanimous opinion among my father's 'most trusted friends that he was deferring the creation of peers too 'long.' That is in other words precisely what Lord Broughton himself says. What may have been passing in the secret thoughts of the Prime Minister, he certainly did not know. Earl Grey's views are now made clear by the publication of his correspondence with the king, and they are fully set forth in his letter to Lord Althorp of the 11th March, 1834. But it would be easy to produce a vast amount of contemporary evidence to show that great doubt prevailed amongst many of his nearest friends and connexions, at the time, on the subject, and that his own resolutions fluctuated, as was natural on so difficult a question.

With regard to the conversation with Lord Howick, it is of course possible that his Lordship may have failed to convey accurately what he meant to say to Sir John Hobhouse, or that Sir John Hobhouse may have misunderstood him, but the record of the conversation was

made at the time, and he is now speaking from memory, after an interval of forty years, of a conversation which he does not even remember to have taken place.

We now turn to the second point adverted to by his Lordship, which is of more importance. Lord Grey objects to our statement that Lord Wellesley wrote to his father on the 21st June, 1834, '*a very able and important official despatch*,' recommending the abandonment of the public meetings' clauses and the court-martial clauses in the Irish Coercion Bill, and he adds that there was no such despatch, but only a *private and confidential letter* from the Lord-Lieutenant. In point of form Lord Grey is so far right, that we ought not to have applied the term '*official despatch*' to this communication, because, as is well known, the official despatches of the Lord-Lieutenant of Ireland are addressed to the Home Secretary and not to the First Lord of the Treasury. Lord Melbourne in his answer on the 18th July took that distinction, and Lord Wellesley himself said in a letter of the 3rd July (which we have before us) that he wrote to Lord Grey expressly for the purpose of keeping his communication out of the official channel, and that he mentioned this to Lord Melbourne on the same day. The term '*official*' was therefore improperly applied by us to this remarkable document. The term should rather have been '*extra-official*,' or '*semi-official*.' But to remove all further doubt as to the nature of this famous letter, we will now print it *literatim et verbatim* from a copy made by Lord Wellesley's private secretary; and we do so with the more pleasure as it is a paper which does Lord Wellesley the highest honour, and which has no inconsiderable historical importance. It has not before been published.

(Secret.)

'Phoenix Park, June 21, 1834.

'MR DEAR LORD.—Understanding from some communications with Mr. Littleton, that the omission of those clauses in the Protective Act (which confer extensive and extraordinary powers of preventing meetings, etc., on the Lord-Lieutenant of Ireland), would facilitate other measures of importance in their progress through Parliament, and would also secure the re-enactment of the other important provisions of the Act, I think it may be convenient to your Lordship to receive an early statement of my sentiments on the subject.

'The objects of that Act were to prevent agitation, as the remote cause of outrage, and to restrain the nightly assemblies of the people, the effect of that cause.

'The powers conferred on the Lord-Lieutenant of prohibiting and suppressing meetings were directed to check the first of these evils; and unquestionably were successful in their first operation; but your Lordship cannot forget that they were found useless during the whole course of the agitation of the Repeal of the Union; and that perhaps the happy result of that agitation is in some respect to be ascribed to the moderation of the Government, in abstaining from the exercise of the powers which it possessed. The question of the Repeal of the Union is quite extinct; and if (as I hope) an efficient Tithe Bill is passed, it

will be impossible to revive agitation unless a clamour can be raised, on some such question as the renewal of great and extraordinary powers of an arbitrary spirit, without evident necessity. Unless, therefore, the necessity is evident, the renewal of the powers would only serve to furnish new ground for agitation and violence.

‘I am aware that it is possible, when these powers shall be withdrawn, some meetings, under a different character, but of an equally factious and troublesome spirit, may arise, and that it is not the party of Repeal alone from which mischief is to be apprehended. But I think that the ordinary powers of the law, with the weight of public opinion, would easily defeat such wicked attempts. I cannot, therefore, state, that I consider the preservation of the clauses respecting meetings, as they now stand in the Act, to be essential to the public tranquillity of Ireland, or that the omission of them would endanger the public safety.

‘The powers conferred by those clauses of the Act directed against the nightly councils and assemblies of the people, and imposing restraints upon disorderly movements and excesses, may be rather deemed as precautionary moral regulations, than infractions of civil rights; these regulations must be re-enacted; without them it will be scarcely possible to maintain the public peace. If a bill could be framed, continuing to the executive authority the power of enforcing these regulations for three or five years, such an extension of time to this part of the bill, would be an ample retribution for the loss of all its other provisions.

‘On a very material branch of this question, I cannot, perhaps, touch, without exceeding the limits of my official duty; but it is so closely interwoven with every part of the subject, that I am certain your Lordship will not disapprove that excess of zeal, however indiscreet. I mean the general necessity of producing to Parliament, in the present crisis, the most temperate measures which the public safety will admit, respecting the condition of Ireland.

‘The Act in question must be deemed an exception to the spirit and character of your Lordship’s government. It was expressly founded on the necessity of the case; it was stated to be temporary and transient in its nature; and an impatience was felt and signified to be relieved from the burthen of continuing such a law. I think that the demonstration of a fixed aversion to the renewal of any provisions of this law, which cannot be proved to be within the strict necessity of the case now existing, would not fail to produce a most salutary effect in the House of Commons, and in the mind of every liberal man in the country. I think an union is now more necessary than ever to meet the array of the enemy. This I believe would tend greatly to accelerate the Irish Tithe Bill, and other measures, and to bring the session to an early and tranquil conclusion. Your Lordship will perceive that some parts of this letter differ from my letter to Lord Melbourne of the 11th June; but I trust that the change of circumstances since that time will sufficiently justify the difference. In opening the subject of the renewal of this Act to Parliament, I am convinced that your Lordship will render justice to the spirit in which

it has been administered. To the meetings, I have never applied it; I left the frantic project of the Repeal of the Union to destroy itself, by discussion and free reason; where I have applied the law, the cases were irresistible; and it was loudly and repeatedly demanded by the voice of the country. Even then, I applied it reluctantly, and with every precaution; and it has everywhere been attended with complete effect. Your Lordship knows, whether I have sought for the renewal of these tremendous powers (more dreadful perhaps to me, than to the people of Ireland) with less discretion than I have exercised them; and I rely on your Lordship and Lord Melbourne with the fullest confidence for my defence against any assaults, which may be directed, either upon any alleged violence or timidity in the exercise of the powers committed to me by this law, or upon any suggestions which I have offered for its amendment.

‘ Believe me, &c.,
(Signed) ‘ WELLESLEY.’

Our readers will form their own judgment as to the public or private character of this communication. The late Earl Grey described it as ‘a private and confidential letter’—‘an entirely private letter:’ we regarded it, and still regard it, as an able and important secret despatch. But the most curious part of this transaction is, that Earl Grey himself, being unconvinced by the arguments in this letter, *wholly ignored its existence* in his speech of the 1st July, 1834, and on the contrary quoted to the House of Lords on moving the first reading of the bill, the *previous despatch* of the Lord-Lieutenant of the 18th April, in which the *opposite opinion* had been conveyed to the Government, although he knew by the letter of the 21st June that Lord Wellesley had altered that opinion. The present Lord Grey relies in the same manner on the previous despatches of the 15th and 18th April, which were laid before Parliament. We can only conclude that he is not aware of the contents and nature of the document to which we have now the honour to call his attention. The existence of that document was not disclosed till the day of his father’s resignation; its contents never were disclosed at all; and although strenuous efforts were made in both Houses of Parliament to obtain the production of it, this was successfully resisted on the ground that it was a ‘private communication.’ Lord Melbourne himself remarked on this very letter that ‘the distinctions between what is public and what is private are by no means defined or generally understood.’ A communication on public affairs may, of course, be ‘confidential’ or ‘secret,’ but when it relates exclusively to some important public act, and is written, as this was, for an important public purpose, we agree with what Sir Robert Peel said with reference to the correspondence of the Duke of Wellington and Mr. Huskisson in 1823, that ‘the character of the letter depends ‘on the matter it contains, and not on the superscription.’ Indeed in this case the copy of the letter in our possession is written on official foolscap, and the superscription is not ‘private and confidential,’ but ‘secret’—the term usually employed in despatches of this nature. With the sole exception of the circumstance that it begins, ‘My dear

'Lord' instead of 'My Lord,' it appears to us to have every mark of a secret despatch, though it was not so regarded by Earl Grey. Lord Grey speaks of his father's having brought in the Coercion Bill with the concurrence of the whole Cabinet and of the Lord-Lieutenant of Ireland, but he is too well-informed not to be aware that this concurrence was formal and most reluctantly given, and that the opinions of the Lord-Lieutenant, the Irish Secretary, Lord Althorp, the Lord Chancellor, and we believe of Mr. Spring Rice, Mr. Abercromby, and Mr. Ellice, if not of other members of the Government, had been opposed to that of the Prime Minister. He fails to show on what grounds his father persisted in his declaration that the bill was 'necessary to secure the public peace of Ireland,' when he had in his possession the declaration of the Lord-Lieutenant, that he did 'not consider the clauses respecting meetings, as they stood in the Act, essential to the tranquillity' of that island. The contradiction is direct and explicit. Lord Wellesley did not intend to say or do anything in opposition to the wishes and policy of Lord Grey; his sole object in the whole matter was to do what was best for the Government; he therefore intimated in a subsequent letter that he should be satisfied with whatever course the Cabinet chose to adopt, and he did assent to the full renewal of the bill by a regular despatch of the 2nd July. The Cabinet at which it was decided to retain the obnoxious clauses in the bill was held at Holland House on Sunday 29th June. The bill was brought in on Tuesday 1st July. After the discussion of the 3rd July in the House of Commons, and Lord Grey's declaration in the House of Lords on the 4th July, Lord Althorp resigned on the 7th July. We therefore repeat with confidence, that the determination of Earl Grey to retain the obnoxious clauses led to the resignation of Lord Althorp and to his own. No sooner had Lord Melbourne succeeded him, than Lord Althorp and Mr. Littleton resumed their offices, and the bill was passed without the clauses which Earl Grey had deemed essential. We, therefore, see no reason to withdraw or modify any portion of the statements we have made, except in reference to the use of the word 'official.'

The concluding lines of Lord Grey's communication scarcely admit of a precise answer, but we venture to submit to his Lordship that the public acts of eminent men must be judged of, especially after a considerable lapse of time, by written contemporary evidence rather than by recollection, however distinct. We hope that the whole correspondence relating to these transactions will one day be made available for the purposes of history, and whenever it is published it will corroborate the narrative we laid before our readers.

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ART. I.—*The Dialogues of Plato, Translated into English with Analyses and Introductions.* By B. JOWETT, M.A., Master of Balliol College, Regius Professor of Greek in the University of Oxford. In 4 vols. Oxford: at the Clarendon Press. 1871.

THE first remark that we have to make on these volumes is, that the ground before them was virtually unoccupied. It may seem strange that Plato should have remained so long untranslated into English, for Plato has, without doubt, exercised a considerable influence on some of the best minds in England, ever since the morning when Lady Jane Grey preferred to sit reading 'Phædo' in the window at Bradgate, while the rest went hunting in the park. Shakspeare, in more than one passage, exhibits a genuine inspiration from Plato, however derived,—as, for, instance, in his exquisite allusion to the music of the spheres ('Merchant of Venice,' act v. sc. i.), and in his reference to the theory of Ideas in the sonnet beginning 'From you have I been absent in the Spring.' The stately style of Bacon is a good deal to be attributed to the influence of Plato, from whom (though he did not do him justice as a philosopher) he did not disdain to borrow his distinction of 'Idols' and 'Ideas' in general, and the particular figure of the 'Idols of the Cavern.' Of the Platonism in Hooker, Spenser, Milton, it is unnecessary to speak. The Cambridge Platonists of the seventeenth century handed down a tradition through Cudworth, Henry More, Leighton, and other great names, which served as a protest against the extremes of Lockeism, and which was taken up and revived by Coleridge. And yet to read Plato was reserved as a privilege for Greek scholars, and no one seems to have thought of

translating him till the middle of the last century, when Sydenham, a member of Wadham College, Oxford, and not to be confounded with the great physician of the same name, translated nine of the Dialogues in very fair style and with very fair accuracy. These nine Dialogues were afterwards incorporated into a translation of the whole works of Plato, which the notorious Thomas Taylor brought out in the year 1804. Taylor's scholarship was quite inadequate to the task which he had undertaken. He appears to have translated more from the Latin version of Ficinus than from the original Greek, and he loaded his whole work with neo-Platonist glosses and notes, which served to show his incompetency to understand the thoughts of Plato. The incorrectness of his renderings and the general inadequacy of his representation of Plato, were pointed out in this Review (vol. xiv. 1809), and his five quarto volumes have long since receded into the limbo of unread books preserved in large libraries.

Only one other attempt has been made to translate the whole of Plato into English, and that attempt was not made as a substantive undertaking by itself, but as a part of the creditable enterprise of Messrs. Bohn to give all the Greek and Latin classics in a cheap form to English readers. Of the result, so far as Plato is concerned, only two things need be said: first, that no special attention was called to Plato by successive volumes containing translations of his Dialogues as part of a series of the entire classics; second, that a work of the kind cannot be properly done to order. To succeed as a translator of Plato, to breathe his spirit into the English language, and at all adequately to reproduce him, a man need have an inward calling and special aptitude to the task. To translate any part of Plato many qualities are required: such as refined scholarship, sympathetic philosophical imagination, an equal appreciation of poetry and of humour, and a poet's faculty of creating a new style in English fit to carry the Platonic turns of thought. But if it be a question of translating the whole of Plato, then the vastness of the undertaking must be borne in mind. This might well appal any but a stout heart. Many a charming episode and introduction might seem to invite the hand of the amateur translator. But when it comes to rendering with equal fidelity and conscientiousness all parts of such varied and voluminous writings, whether dry or interesting—and often they are as severe as Euclid—then, indeed, it would seem to require a peculiar zeal, and an almost religious sense of the ultimate worth of Plato's thought, to support the scholar in his task. These considerations may

serve to explain to some extent the fact that there has hitherto been no adequate English version of Plato as a whole.

Translations of separate Dialogues we have occasionally had. Shelley's translations of 'Symposium' and 'Ion' were elegant in their way, and were doubtless widely read. Of late years several distinguished Greek scholars have been labouring in this field. Messrs. Davies and Vaughan have given us 'Republic' in English; Mr. Poste 'Philebus'; Mr. Cope 'Gorgias'; Mr. Wright 'Phædrus.' But the very separateness of these recent translations has caused them to appeal rather to the scholastic world, and to those who had a pre-existent interest in Plato, than to the general republic of readers. On the other hand, the late Mr. Grote's elaborate work on 'Plato and the other companions of Sokrates' had different aims and stood on a different footing from the volumes before us. Mr. Grote's book was 'a sequel and supplement' to his 'History of Greece.' It was an additional stride in his march through the Hellenic past. It was to be followed by an equally exhaustive account of the philosophy of Aristotle, and we look forward to an early posthumous publication of this work, though, alas! wanting the last touches of the master's hand. Mr. Grote's sympathies, it cannot be doubted, were rather with the modes of thought of Aristotle than with those of Plato. In his work on Plato he regards the Platonic writings from an external point of view, and judges them in reference to modern philosophy. In his excellent synopses of the contents of the Dialogues, he, of course, was not concerned to preserve the manner of Plato; he gives summaries of conversations, and not the conversations themselves. Professor Jowett's object is different; he aims at bringing us in contact with the very mind of Plato himself, evidently considering that to effect this would be an important contribution to the intellectual education of the age. In the execution of his task he found himself taking a different point of view on certain Platonic questions from that of Mr. Grote. He gracefully alludes to this in his Preface, which he concludes by saying: 'But I am not going to lay hands on my father Parmenides (Soph. 241 D.), who will, I hope, forgive me for differing from him on these points. I cannot close this Preface without expressing my deep respect for his noble and gentle character, and the great services which he has rendered to Greek literature.' A very short time had elapsed after these words were published, when Mr. Grote was borne to his resting-place in Westminster Abbey. And then, in accordance with the wish of Mrs. Grote, Professor Jowett, as

the representative of Greek literature and scholarship, was invited to attend as one of the bearers of the pall. We cannot observe without admiration this relationship, so worthy of the courteous spirit of Plato, between two eminent men who certainly differed widely on a subject treated of by both, and who in a different age of literature would in all probability have appeared to each other only in the light of angry opponents.

From all that we have said it will be seen that the task of introducing Plato, in himself, and in his entirety, to the English mind, had yet to be undertaken. Probably no living man possesses qualifications for this task equal to those of Mr. Jowett. We pass over as subsidiary conditions the amount of Greek scholarship which is guaranteed by his position as Regius Professor in the University of Oxford, and the peculiarly subtle and elegant style in English which in former writings he has exhibited. Starting from these points of vantage, we go on to those acquirements and habits of mind which peculiarly qualify him for entering into and interpreting the thought of Plato. Professor Jowett has been long remarkable for his attainments in the history of philosophy. He was the first, more than twenty-five years ago, to introduce the study of this subject into Oxford. At that time philosophy, or, as it used to be called, 'science,' was a poor curriculum in Oxford. It was restricted almost entirely to the reading—careful but narrow, without comparison of other systems, and without comprehension of the point of view—of Aristotle's *Rhetoric*, *Logic*, and *Ethics*, and of Butler's 'Sermons' and 'Analogy.' Professor Jowett has been the chief cause of the great change in this respect which has been introduced into Oxford. Drawing on his own rich stores of reading and thought, which had far transcended the Oxford horizon of those days, he gave in Balliol College lectures on the history of philosophy, which fascinated the minds of those privileged to hear them. He influenced first his own college, and afterwards through his pupils, who rapidly obtained fellowships, examinerships, and other positions of importance, he influenced the University at large, to appreciate and require a wider range of philosophical study. Especially, he introduced Plato's greatest work, 'Republic,' and the 'Novum Organum' of Bacon, with the outlines of the history of thought in ancient and modern times, as necessary additions to the old modicum of Aristotle, for an Oxford 'first-class.' Anyone who can compare the cultivation now attainable at Oxford with that of thirty years ago, will appreciate the results of the change which Mr. Jowett was the first to inaugurate. In the meanwhile,

after himself sounding the depths of all the great philosophies of the world, he has always returned to Plato as to a first-love. And the book in which he now unfolds Plato to the many, is the result not only of the hours directly spent on it during many years, but it has the interest attaching to the fruit slowly ripened during a life; its motto might have been:—

‘Vagliami il lungo studio e il grande amore.’

But yet Professor Jowett's sympathy with Plato does not render him a Platonist, in the sense either of resting in the conclusions of Plato, or of drawing mystical deductions from them, as neo-Platonists of all ages have been fond of doing; it merely enables him to understand and realise Plato, while his deep knowledge of the subsequent thought of mankind enables him to see the limitations of Plato's thought. He gives us no general dissertation on the Platonic philosophy, no systematical arrangement of it. But he puts each several dialogue in itself before us, with an introduction drawing out its meaning into the most lucid and charming light, and containing the most interesting and weighty remarks on subjects that naturally suggest themselves. The result, we may say generally, has been that no ancient philosopher has ever been brought to the comprehension of modern times so fully, so clearly, and with such perfect genuineness as Plato has now been brought to the comprehension of the English reader by Professor Jowett.

The book is inscribed by Mr. Jowett ‘To my former Pupils in Balliol College and in the University of Oxford, who during thirty years have been the best of friends to me, in grateful recognition of their never-failing attachment.’ This dedication is not only interesting in itself, but it serves to remind us of a peculiar and personal qualification for becoming the expositor of Plato, which the present Master of Balliol alone could claim. Not only has Mr. Jowett a general sympathy for Plato's method of treating the questions of philosophy, but it is also well known that he is a kindred spirit with the chief character in the Platonic Dialogues. Probably no one in modern times has given in real life, whether consciously or unconsciously, so close a reproduction, *mutatis mutandis*, of the Platonic Socrates, in his character of an educator of youth. Nowhere but at a University could such a phenomenon now-a-days have presented itself—the phenomenon of a man, with powers of mind far above those generally thought necessary for a teacher, devoting himself to the development and correction of the thought and character of

young men, generation after generation, not so much by the teachings of the lecture-room as by friendly intercourse, walks, and conversations, genuine interest in their concerns, sympathetic advice, toleration of their crudities, keen-edged refutation of their absurdities, veiled dialectic and *badinage* concealing earnestness—all employed with the most single-minded and noble purpose. Such a phenomenon the University of Oxford has 'during thirty years' witnessed; and it is in reference to this that we say that there is a peculiar interest in the fact of Professor Jowett inscribing his exposition of the Platonic Socrates to his 'former pupils.'

We have now to examine the way in which his task as a translator has been executed. Many philosophers are really untranslatable into literary English. This seems to be the case with Kant and Hegel; at all events in their strictly philosophical writings. And the same might be said of Aristotle, whose language is not the language of common life or of literature, but stands by itself—a stiff concrete of philosophical terms, each with its own scientific association. Thus Aristotle can never be turned into literary or easily readable English, without too great an alteration of his manner, and without sacrificing in the process much that is essentially Aristotelian. But with Plato the case is different. Plato's philosophical writings are simply the greatest masterpieces of prose that the world has seen. The language is never for a moment that of a cut and dry technology. In the first place, the phraseology of logic and metaphysics had not in Plato's time been settled down into a repertory of fixed terms. And, in the second place, as Plato almost always exhibits philosophy in the process of being worked out in conjunction with unphilosophical personages, so the point of departure in the Dialogues is the ordinary thought of refined and cultivated, but not scholastic, circles. The atmosphere is that of polite Athenian society, and the language is correspondingly natural and unpedantic. Out of this ordinary level, in which the familiarity and domestic meanness of the illustrations used are often striking, Plato rises ever and anon to an elevation of thought and diction which has called forth the admiration of subsequent ages. Shelley, having such passages in his mind, says: 'Plato exhibits the rare union of close and subtle logic with the Pythian inspiration of poetry, melted by the splendour and harmony of his periods into one irresistible stream of musical impressions which hurry the persuasions onward, as in a breathless career. His language is that of an immortal spirit, rather than a man. Lord Bacon is,

'perhaps, the only writer who in these particulars can be compared to him; his imitator, Cicero, sinks in the comparison into an ape mocking the gestures of a man.' In these expressions, however, so characteristic of his own temperament, Shelley recognises only one aspect, and that by no means the predominant aspect, of Plato's writing. He speaks as if Plato were always poetical, earnest, and 'intense,' whereas Plato is far more often dramatic, ironical, and humorous. It is easy to see that in translating 'Symposium,' Shelley mistook Plato's parodies of the fine writing of *littérateurs* for fine writing pure and simple on the part of Plato himself.

No such mistake is ever made by Professor Jowett, whose greatest strength, as a translator, lies perhaps in his keen appreciation, and his lively reproduction, of the dramatic humour in Plato. Nothing can exceed the riotous good spirits, and therein perfect fidelity to the original, of his translation of 'Euthydemus,' in which the characters of two overbearing Sophists, a timid youth, and his straightforward and irascible friend, are played off against one another by the sagacious Socrates, and the fashion of quibbling and making verbal fallacies is turned to ridicule. There is another phase of Plato's Dialogues which Professor Jowett is peculiarly happy in representing, namely, wherever Socrates, with the greatest urbanity and politeness, and at the same time with consummate skill and relentless logic, keeps a rude antagonist in hand, and forces him by degrees to accept conclusions alien from, and higher than, his ordinary point of view. As an instance of this, the conversation with Callicles at the end of 'Gorgias' may be referred to. But almost any one of the Dialogues might serve as a study of the art of debating in private life; and this quality in them Professor Jowett admirably preserves.

It is only fair to consider the general effect, and the whole, in Professor Jowett's translation, before looking at the parts; because we cannot help believing that it has been his own method, as a translator, to think of the whole, that is of the spirit of Plato's writing, first, and to endeavour before all things to give a general impression of this. We think that this method must be the correct one, especially in making a translation which is meant for English readers; and not for scholars holding the Greek in one hand, and comparing it word for word with the English. Professor Jowett had to give an equivalent for smart and lively Greek conversations. Had he adopted the method of verbal renderings, with an eye merely to each separate clause as it came, the result would have been that the whole would have been heavy and unreadable. In

many respects the genius of the ancient Greek and of the English languages are different. English is more rough, abrupt, and elliptical; while in the Greek the sentences are smoothly connected together by particles indicating the course of thought. On the other hand, English has its own turns, and in some cases is more explicit than the equivalent Greek. Professor Jowett had all this to attend to, and in writing for English readers above all to write readable English. In this he has succeeded perfectly, and in the general manner of his renderings we have hardly anything to complain of. If in this respect he has a fault, it is that he has occasionally a little overdone what he legitimately aimed at. In making the dialogue lively, he has occasionally made it a little too smart; and in the compression which he has used, he seems to us to have occasionally made Plato a little too curt, and to have sacrificed sometimes, when he might have preserved, the stately rhythm of the original. Professor Jowett appears to conceive of translation as the art of giving analogous impressions. To produce an analogous impression he would not hesitate to make a long sentence short, or a short sentence long, or to entirely invert the order of clauses in a sentence. Nay, further, he would depart from the letter of the original altogether, and substitute for a literal translation of the Greek some catch-word of modern times, which is strongly suggested to his own mind, and which appears to him calculated to produce in the reader's mind an impression analogous to what the Greek text would have produced on the mind of an ancient Greek. Following out his method in this direction, he inclines to substitute for the words of Plato not only the conventional phrases of modern society, but also those stock phrases of English literature which have become 'household words' among us. Professor Jowett's own style of writing has always been what we might call a 'loaded' style—that is, rather over rich in literary allusion, and in the use of those

'Jewels five-words-long
That on the stretch'd forefinger of all Time
Sparkle for ever.'

And it comes quite naturally to him to employ the same style in translating Plato; he renders Plato into such English as he himself would use in writing—English not all fresh coined in his own mint, but ever and anon containing pieces as it were previously current, having been coined in the mints of the great masters of English poetry and prose. The result is, that to some extent a medley of styles is produced. On the one hand, we find the extremest modern colloquialisms used to

represent Plato (such phrases, for instance, as 'and no mis-take'); on the other hand, when, as often happens, the style of Shakspeare, and of the authorised version of the Bible, are resorted to, then an archaic phraseology makes its appearance. Professor Jowett's foible in this work seems to have been to train Plato to copy the Bible, as Lord Strangford was said to have 'taught the Lusian bard to copy Moore.' Thus, in 'Phædrus,' 243, E, we have ἀλμυρὰν (briny), translated 'gall and vinegar,' in obvious allusion to Psalm lxi. 22; in 'Symposium,' 197, D, we have Love described as 'making men to be of one mind at a banquet,' in reference to Psalm lxviii. 6, (Prayerbook version); in 'Phædo,' 66, C, we find the sentence καὶ γὰρ πολέμους καὶ στάσεις καὶ μάχας οὐδὲν ἄλλο παρέχει ἢ τὸ σῶμα καὶ αἱ τοῦτου ἐπιθυμίαι, rendered, 'For whence come wars and fighting, and factions? Whence but from the body and the lusts of the body?' in which the only point observable is the form of the sentence—chosen apparently to remind us of St. James Ep. iv. 1.

One of the little devices which Professor Jowett employs to give a Scriptural colouring to the phraseology of Plato, is the frequent use of the archaic form, 'such an one,' instead of the modern 'such a one;' if, indeed, the phrase at all can be said to be in ordinary modern use. We confess that we do not see the advantage of turning the sentences of Plato so as to make them remind people of passages in the Bible. The allusive parts of Professor Jowett's translations grow out of, but are something different from, his method of analogous impressions, and are less justifiable. If the method of analogous impressions be accepted (and we think it fairly may be) as the legitimate mode of conveying the sense of an ancient Greek writer to the minds of English readers, then it becomes a matter of taste to settle within what limits it shall be used, how far a mixture of various styles may be allowed, and what amount of departure from the literal text may be permitted. As a crucial instance, we would ask, is, or is not, the following use of an analogous impression permissible? In 'Protagoras,' 328, E, Professor Jowett writes:—'Protagoras ended, and in my ear

"So charming left his voice, that I the while
Thought him still speaking; still stood fixed to hear."

The Greek is in plain prose, Πρωταγόρας μὲν τοσαῦτα καὶ τοιαῦτα ἐπιδειξάμενος ἀπεπαύσατο τοῦ λόγου. Καὶ ἐγὼ ἐπὶ μὲν πολὺν χρόνον κεκληλημένος ἔτι πρὸς αὐτὸν ἐβλεπον ὡς ἱερουντά τι, ἐπιθυμῶν ἀκούειν. But yet the quotation of which Professor

Jowett has availed himself gives an exactly analogous impression to that made by the words of the original.

The purists in Greek scholarship may cry out against a bold stroke like this, but this is not the sort of thing in Professor Jowett's translation to which we would take exception. There is no doubt that his method of aiming at general effect and of looking at speeches and remarks in the whole, has occasionally—we may say frequently—led to his dealing too loosely with particular clauses. He seems sometimes not to have looked hard enough at the Greek words. Hence, when rigidly compared with the Greek, his translation, though it comes out of the ordeal much better than many people might expect, frequently exhibits a looseness, sometimes even a disregard of accurate scholarship, which one must regret. And these are the blemishes which we should like to see removed. They lie on the surface, and we are only surprised that Professor Jowett's coadjutors, who are named in his Preface, should have suffered them to continue. To show exactly what we mean, we will go through one Dialogue—'Symposium,'—which is one of the least exactly translated in all these volumes, and pick all the holes we are able in Professor Jowett's rendering of it. We have compared Professor Jowett's version with the translations both of Sydenham and Shelley, and there can be no doubt that it is far superior to both of them. Sydenham's is plain and praiseworthy, but heavy. Shelley's, with constant blunders of scholarship, is elegant, but loses all the dramatic humour. Professor Jowett's translation gives the dramatic effect of the whole, is for far the greater part as admirable as it is possible to be, and taking fault for fault is more correct even than Sydenham's. The following are the particular renderings in it to which we would venture to object:—

In 'Symposium,' 173, D, occurs an instance of Professor Jowett improving upon Plato, by introducing a play on words not to be found in the original. He renders *ἐν μὲν γὰρ τοῖς λόγοις ἀεὶ τοιοῦτος εἶ, σαυτῷ τε καὶ τοῖς ἄλλοις ἀγριαίνει πλὴν Σωκράτους*, 'for your humour is always to be out of humour 'with yourself' and with everybody except Socrates.'

173, E, is another instance of a similar departure from simplicity. He translates *διῆγησαι τίνες ἦσαν οἱ λόγοι*, 'repeat the 'tale of love.'

Professor Jowett frequently resorts to daring and happy inversions of the Greek order of words and clauses, so as to give the exact sense of the original in a form thoroughly English and natural. But in page 174, D, E, he makes a

slip in attempting an inversion of this kind. Aristodemus relates how Socrates stopped on his road to the party in a fit of abstraction, and that he himself went on before, not having been invited; and that, arriving at the house of Agathon, he found the door open, 'and that he felt rather absurd for the moment' (καί τι ἔφη αὐτοθι γελοῖον παθεῖν) for a servant meeting him led him straight to where the guests were reclining. Professor Jowett takes the clause quoted, and transfers it from its place to the beginning of the whole incident, translating it: 'This was the style of their conversation as they went along; and a comical thing happened—Socrates stayed behind,' &c. It may be observed that Sydenham had rendered the clause correctly.

In 174, E, Professor Jowett, quite unusually for him, falls below the smartness of Plato. Aristodemus explains that he had come by the invitation of Socrates, who had been with him a moment before. 'You were quite right in coming, said Agathon, but where is the fellow?' (ἀλλὰ ποῦ ἔστιν οὗτος;) Professor Jowett writes, 'but where is *he himself*?'

In 175, A, what looks like a serious slip in scholarship occurs. Καὶ ἔ μὲν ἔφη ἀπονίζειν τὸν παῖδα, ἵνα κατακέοιτο ἄλλον δέ τινα τῶν παίδων ἦκειν ἀγγέλλοντα is translated 'Then he said that the attendant assisted him to wash, and that he lay down, and presently another servant came in and said.' Whereas it should have been: 'Then he said that while the attendant was washing his feet, in order that he might lie down, another of the servants came and announced.'

In the next line, the tone of the servant's announcement is unnecessarily altered. The Greek is Σωκράτης οὗτος ἀναχωρήσας ἐν τῶν γειτόνων προθύρῳ ἔστηκε, καὶ μοῦ καλοῦντος οὐκ ἐθέλει εἰσιέναι. Mr. Jowett renders it: 'He said that our friend Socrates had retired into the portico of the neighbouring house. "There *he is fixed*, and when I *call to him*," said the servant, "*he will not stir*." Whereas the simple rendering would be—'That Socrates is standing back in the neighbours' portico, and when I invite him to come in, he refuses.'

In 175, D, there is the appearance of an inadmissible view of the text. Agathon bids Socrates sit next him, ἵνα καὶ τοῦ σοφοῦ ἀπτόμενός σου ἀπολαύσω, ὃ σοι προσέστη ἐν τοῖς πρόθυροις, which Mr. Jowett renders: 'that I may touch the sage, he said, and get some of that wisdom which came into your mind in the portico.' But τοῦ σοφοῦ is neuter, and has nothing to do with ἀπτόμενος. What Agathon says, is 'that by touching you I may have the benefit of that piece of wisdom which came to you in the portico.'

In 175, E, Socrates does not say, as Professor Jowett makes him, 'In comparison my own wisdom *is* of a very mean and questionable sort,' but, ironically, '*must surely be*' (ἀν εἴη).

A little lower, νῦν δὲ πρὸς τὸ δεῖπνον πρῶτα τρέπου is somewhat poorly rendered by Professor Jowett: 'But at present you are better occupied *with the banquet*,' which would be a curious term for a host to use. Shelley's translation is more natural: 'at present turn to your supper.'

In the next page, 'all agreed that *drinking* was not to be the order of the day' should rather have been 'hard drinking' (διὰ μέθης) as opposed to the ῥαστώνην τινα τῆς πόσεως or 'easy drinking' which the company agreed upon.

In 177, C, Ἐρωτα δὲ μηδένα πω ἀνθρώπων τετολμηκέναι εἰς ταυτηνὴ τὴν ἡμέραν ἀξίως ὑμνῆσαι is rightly rendered by Sydenham: 'and yet that no man should ever to this day have undertaken to give Love his due praises.' Whereas, Professor Jowett puts it 'that to this day no one has ever dared worthily to hymn Love's praises.'

In 187, A, τὸ ἐν γάρ φησι διαφερόμενον κ.τ.λ., might for the sake of the English reader have been written: 'that the One is united by disunion,' instead of 'that one is united,' of which the meaning does not at once suggest itself.

In 196, B-E, the point of Agathon's verbal and punning arguments is more than once lost by slight alterations in the words used. Agathon argues that Love must be just 'because all serve him of their own free will, and wherever two parties agree willingly, the laws which rule the state declare that the contract is just.' Professor Jowett puts it '*where there is love as well as obedience*, there, as the laws which are lords of the city say, is justice.' Again, Agathon argues that Love must be temperate, because temperance consists in being superior to pleasures and desires, 'and no pleasure is superior to love.' Professor Jowett renders it: 'No pleasure ever masters love;' by which rendering the pun is lost. Again, Love must be brave, for not even Ares can withstand him, being held (or possessed) by the love of Aphrodite. 'But he that holds is stronger than he that is held,'—which Professor Jowett generalizes into 'And the master is stronger than the servant.'

In 196, E, πρῶτον μὲν ποιητὴς ὁ θεὸς σοφὸς οὕτως, ὥστε καὶ ἄλλον ποιῆσαι. Professor Jowett probably did not misunderstand this sentence, but he translates it as if he had done so. He writes: 'For in the first place he is a poet, and he is also the source of poesy in others, which he could not be if he were

'not himself a poet.' This looks as if *καὶ ἄλλον* were taken to answer to *πρῶτον μὲν*, whereas Agathon treats 'firstly' of Love's wisdom or skill in poetry, and afterwards of his wisdom or skill in the other arts. The whole rendering of the passage is unnecessarily loose.

Two lines below, 'that Love is a good poet and *accomplished in all the musical arts*' is an inadequate rendering of *ὅτι ποιητὴς ὁ Ἔρως ἀγαθὸς ἐν κεφαλαίῳ πᾶσαν ποίησιν τὴν κατὰ μουσικὴν*. Sydenham's translation, though heavy, is better: 'to prove Love an excellent poet in all that kind of creative power which is the proper province of the Muses.'

In 197, E, we have a strong instance of Professor Jowett's method of analogous impressions. Agathon, in a florid peroration, says that Love is *φιλόδωρος εὐμενίας, ἄδωρος δυσμενίας*, which Professor Jowett renders: 'giving friendship, and for-giving enmity'—not, of course, misunderstanding the Greek, but treating this part of the speech as mere empty sound; and considering that the first point to be aimed at, was to furnish a verbal antithesis, no matter what. We do not much object to this, though he might have put it 'diffusing benignity, re-fusing malignity,' or anything else of the kind. Sydenham and Shelley, going more literally to work, did not see that it was their first duty under the circumstances to provide a pun.

In 199, C, Professor Jowett improves on Plato by introducing an ironical touch of his own. He makes Socrates say: 'In the magnificent discourse which you have uttered, I think that you were right, my dear Agathon, in saying that you would begin,' &c. The Greek is simply, *Καὶ μὴν, ὦ φίλε Ἀγάθων, καλῶς μοι ἔδοξας καθηγῆσθαι τοῦ λόγου, λέγων, κ.τ.λ.* 'Well, my dear Agathon, you seemed to me to make a good arrangement of your discourse, in saying.'

In 204, D, we fear that there is no resource but to attribute to Professor Jowett a construction of the Greek words which is quite untenable. The words are *ἔστι δὲ τῶν καλῶν ὡς σὺ φῆς. Εἰ δέ τις ἡμᾶς ἔροιτο, τί τῶν καλῶν ἔστιν ὁ Ἔρως; ὧδε δὲ σαφέστερον ἔρῳ, Ὁ ἔρῳ τῶν καλῶν τί ἐρᾷ; καὶ ἐγὼ εἶπον, ὅτι Γενέσθαι αὐτῷ*. Professor Jowett renders them: 'You acknowledge that love is of the beautiful. But some one will say: *Of the beautiful in what?*—or rather, let me put the question more clearly, and ask: When a man loves the beautiful, *what does he love?* I answered her, That the beautiful may be his.' *Τί ἐρᾷ* cannot mean '*what does he love?*' for *ἐρᾷν* requires the genitive case. The whole passage must be taken: 'Love, you say, is of the beautiful. But why is it of the beautiful? Or to put the question more clearly, when a man loves the

'beautiful, why does he love it? I answered, That it may 'become his own.' Τί, as Stallbaum reminds us, is for κατὰ τί or διὰ τί, 'in what respect?' 'with what view?' 'for what reason?' 'why?'

In 205, D, Professor Jowett deals somewhat hazily with the Greek; he also appears to us to introduce a new reading not warranted by the MSS.: 'Ἄλλ' οἱ μὲν ἄλλη τρεπόμενοι πολλαχῇ ἐπ' αὐτόν, ἢ κατὰ χρηματισμὸν ἢ κατὰ φιλογυμναστίαν ἢ κατὰ φιλοσοφίαν, οὐτ' ἐρᾶν καλοῦνται οὐτ' ἐρασταί. 'But those who, 'having their affections set upon him, are yet *diverted into* 'the paths of money-making or *gymnastic philosophy*, are not 'called lovers.' The point is, that all pursuits are instigated by love, but that the terms 'loving' and 'lovers' are, in common language, restricted to one particular pursuit out of the many that love instigates. It is then said, 'Those who in 'many other ways are the votaries of love, whether in the 'pursuit of money-making, or of bodily exercise, or of philosophy, are not called "lovers" or said to "love."' Professor Jowett drops out ἢ between κατὰ φιλογυμναστίαν and κατὰ φιλοσοφίαν; apparently from an unwillingness that philosophy should be ranked with money-making and gymnastics. But it is certainly true that in common language, which is the point in question, philosophy is not, any more than money-making, identified with love; and Plato could never have written κατὰ φιλογυμναστίαν κατὰ φιλοσοφίαν, meaning 'gymnastic philosophy.'

In 206, B, a slightly different, but analogous, idea is introduced by Professor Jowett in rendering Μαντείας, ἣν δ' ἐγὼ, δεῖται ὃ τι ποτὲ λέγεις, 'The oracle requires an explanation, I 'said,' instead of 'One need be a conjuror, I said, to tell what 'you mean.' The succeeding lines, which are meant by Plato to be particularly clear, are not so lucid as Professor Jowett generally makes the didactic pieces. He seems to have a particular aversion to using the words 'ugly' or 'ugliness,' which are the natural opposites of 'beautiful' and 'beauty,' and which would serve the purpose required better than 'deformity' and 'foulness,' by which Professor Jowett prefers to render τὸ αἰσχρόν.

In 208, B, 'Marvel not at the love which *all men* have of 'their offspring,' should be 'which *every creature* has of its 'offspring' (τὸ αὐτοῦ ἀποβλάστημα φύσει πᾶν τιμᾷ).

In 209, B, 'When he finds a fair and noble and *well-nurtured* soul' should be a fair and noble and *gifted* soul, εὐφυής always meaning in Greek 'well-endowed by nature,' as distinguished from the results of education.

In 212, B, an unnecessary improvement of Plato is introduced. The text is simply Ταῦτα δὴ, ὦ Φαῖδρέ τε καὶ οἱ ἄλλοι, ἔφη μὲν Διοτίμα; 'Such, Phædrus and the rest, were the words of Diotima.' But Professor Jowett makes it: 'Such, Phædrus—and I speak not only to you but to all men—were the words of Diotima.'

In 212, C, 'the company applauded,' should be 'some applauded' (τοὺς μὲν ἐπαίνειν).

In 212, E, we know not why Professor Jowett should have written 'a massive garland of ivy and wallflowers,' instead of 'a massive garland of ivy and violets' (ἴων).*

In 217, E, we rather miss that happy art of introducing a gloss into the text, which Professor Jowett elsewhere resorts to. The words are πρῶτον μὲν, τὸ λεγόμενον, οἶνος ἄνευ τε παιδῶν καὶ μετὰ παιδῶν ἦν ἀληθής. Professor Jowett's translation hardly gives a meaning which explains itself to the English reader—'Yet as the proverb says, in vino veritas, whether there is in boys or not.' It would be clearer, at the expense of a few more words, to say: 'In the first place the proverb used to be (ἦν) that "wine and children are candid:"—whether children are so or not, at all events wine is candid.' Οἶνος καὶ παῖδες ἀληθεῖς is the proverb referred to.

In 220 C, Professor Jowett neglects to give in metrical

* It is true that the word ἴων (which, being written originally with the digamma, is identical with the Latin *vio-la*) appears to have been applied by the Greeks to several quite distinct flowers. In Homer, 'Od.' v. 72, it is described as growing in marshy meadowlands, and may probably there mean the 'crocus.' In Dioscorides, the λευκοῖον is described as a cruciform plant, answering to our 'wallflower' (*cheiranthus cheire*), while the μελάνιον corresponds to our 'violet' (*viola sylvestris*). In Pindar, 'Ol.' vi. 35, the babe Iamus is described as lying in a pathless thicket, 'his tender body flooded with the yellow and the all-purple rays of the ion-flowers' (ἴων ξανθαῖσι καὶ παμποφύροις ἀκτῖσι βεβρεγμένος ἄβρὸν σῶμα). And here either 'yellow crocuses' and 'purple crocuses' are meant, or else (less probably) the 'wallflower' and the 'violet.' Our own forefathers called the wallflower 'yellow violet'; the Dutch still call it 'violier,' and the Spaniards 'violetta amarella.' But why should Professor Jowett have determined that the ἴα worn by Alcibiades were of the yellow type, and therefore 'wallflowers'? There is some little interest in the question, for on the answer to it depends the claim of Athens to be called 'the City of the Violet-crown.' The glorious epithet ἰοπέφανοι, invented for Athens by Pindar, was especially dear to the Athenians (see Aristoph. 'Acharn.' 636). Did he mean by it 'violet-crowned,' or 'wallflower-crowned'? We can hardly believe that when he called the Muses ἰοκλάμαροι (Pyth. i. 1) he meant to compare their tresses to 'wallflowers.'

form, which would have been easy enough, the line from the Odyssey with which Alcibiades introduces the story of the trance of Socrates—

Οἷον δ' αὖ τόδ' ἔρεξε καὶ ἔτλη καρτερὸς ἀνὴρ.

He simply renders it: 'the doings and sufferings of this en-
'during man.'

A little lower (and this is the last hole which we shall pick), he confuses the narration by an unnecessary addition of words. The Ionians had set a watch to see if Socrates would stand thinking all night. 'Ο δὲ εἰστήκει μέχρι ἑως ἐγένετο καὶ ἥλιος ἀνέσχευ, ἔπειτα ὄχρετ' ἀπὼν προσευξάμενος τῷ ἡλίῳ. 'But he stood till it was dawn and the sun rose, then he offered up a prayer to the sun, and went his way.' Professor Jowett renders it, 'There he stood all night as well as all day and the following morning; and with the return of light he offered up a prayer to the sun, and went his way.'

Anyone can see that the above criticisms of Professor Jowett's translation of 'Symposium' are often *de minimis*; and when their minute character is considered, it is certainly a testimony to the accuracy, as well as general excellence, of the translation, that we should not have more of the kind to adduce. We might have enlarged our list of grumblings by reference to the other Dialogues. But enough of this ungracious task. The blemishes which exist may well in so large a work, and especially in regard to Professor Jowett's method of translation—so free and bold in its scope—be treated as the misprints which every author overlooks in his writings; and it may certainly be expected that a second edition, after the 'refrigeratio styli' which will have intervened, will show us this great work clear of most of that at which even an exacting criticism might carp. Among the trifling corrections which 'the humour of the scholar' would desire, we would ask Mr. Jowett to make his titles of the Platonic Dialogues uniform. He was doubtless correct in writing 'Apology,' 'Statesman,' 'Sophist,' 'Laws,' without the article, as titles of some of the Dialogues. But why should he have written 'The Symposium,' 'The Republic,' as titles of others? Another more material improvement, which we would humbly suggest, is that the Introductions to some of the Dialogues should be lightened by cutting down the 'Analyses' which they contain. The introduction to 'Phædo' is a model for this kind of writing; the analysis of the dialogue restricts itself to an outline or indication of the most salient points of the argument, and on these Professor Jowett offers the most interesting remarks. The

result of such a process is to whet the reader's appetite for the dialogue itself, and to make him anxious to see the outline filled up. But in the Introductions to 'Republic' and 'Laws,' Professor Jowett gives us, if we might be pardoned such a metaphor, too substantial a luncheon. The analysis in each case is the whole dialogue, only slightly compressed; it is in each case much too long and too faithful to give us that vivid *conspectus* of the points to be attended to, which we could desire; if we get through the analysis and come to the dialogue, we feel ourselves dulled by a sense of the repetition. On the whole, we should be inclined to expect that very few of those who take Professor Jowett's volume in hand, will read through both 'Laws,' and the analysis by which the dialogue is forestalled.

Turning now to the matter of the Platonic writings thus conveyed to us, we find ourselves in a position to take a comprehensive view of the whole. We find the results of a long philosophic life—of forty or fifty years of authorship—unfolded before us. We find these results embodied in twenty-seven Dialogues, two of them of considerable length, and occupying each nearly 350 pages of large octavo in the translation—the others of varying dimensions from a hundred to ten or twelve pages. The study of these Dialogues shows that they contain the setting forth of no preconceived system. We find that, however much they exhibit 'a common spirit,' there is no 'unity of design in the whole.' We must not suppose that the philosopher who was the author of them had settled, before he began to write, the truths which he had to impart to the world, and that he wrote some Dialogues as introductory and as leading the way to the acceptance of truths to be unfolded in other Dialogues. We must not suppose (though Schleiermacher and others have done so), that the Dialogues can be arranged in groups, forming successive or co-ordinate parts in an organic series. Rather we see the progress of a philosophic mind, working its own way to the light, first on one question, then on another; under different successive influences of the philosophy of others; starting from different stages of knowledge and conviction; often abandoning former conclusions; looking at questions anew from fresh points of sight; thus, inconsistent and self-contradictory, and yet, by the dramatic form adopted, escaping the reproach of this and always, beyond question, true to truth and to morality.

This view of Plato, as an inquiring spirit—as 'a great original genius struggling with unequal conditions of knowledge,' as never dogmatic, but rather as a poet or creator of ideas, and

an exponent of the method of the search for thought—is not the view commonly taken of him, but it is the view which Professor Jowett continually suggests to us, and which an examination of the Dialogues in their entirety confirms. One may ask, at what point in the fifty years of authorship was Plato most himself? In which of the Dialogues can we put our finger on the most essential features of his philosophy? Where are to be found the conclusions which we can carry away from these volumes for the guidance of life? The answer must be, Nowhere and everywhere. Plato is to be regarded as a dynamical force; it is by imbibing his spirit, rather than by garnering his conclusions, that we shall learn anything from him. As Professor Jowett says, ‘We are not concerned to determine what is the residuum of truth in Plato which remains for ourselves. His truth may not be our truth, and nevertheless may have an extraordinary value and interest for us.’

It is obvious, then, that the Dialogues of Plato have quite a different object and meaning from the dogmatic Dialogues of Bishop Berkley, in which Philonous obtains ingenious victories over Hylas, and sets forth triumphantly the conclusions with regard to ‘matter’ at which Berkley had previously arrived. We have no wishes to disparage Bishop Berkley’s Dialogues, but only to show their difference from those of Plato. We have only to open the volumes before us to see that in the earlier Dialogues of Plato, so far from a foregone conclusion being announced, no conclusion at all is arrived at, except perhaps this: that a deeper method of inquiry must be used than ordinary people are accustomed to, in order to answer simple questions, such as settling the definition of Temperance, or Friendship, or Courage.

It may be asked whether any account can be given of Plato’s adopting this particular form of writing? And there seems great probability in the supposition that Plato was led to it by a sort of accident. The personality of Socrates had made an overpowering impression on his youthful mind; he was doubtless for ever rehearsing to himself the striking and original discussions in which his master refuted and instructed others. He felt the creative impulse, not, like Xenophon, to make tame notes of the conversations of Socrates, but to reproduce them in poetic, that is, analogous, truth, with all the living characteristics of the personages. He made his first essay in some little Socratic dialogue. This may have been ‘Lysis,’ of which there is a tradition that it was written in the lifetime of Socrates, and afforded him much amusement.

This first essay must have revealed to Plato his own marvellous dramatic powers; further essays probably revealed to him more and more what a potent instrument the dialogue might become in his hands for the exposition of true methods of inquiry; for exhibiting the philosopher in his true attitude of conscientious search; and for contrasting all that was most shallow, commonplace, worldly, and false in the modes of thinking of his contemporaries, with that which he himself esteemed highest and most sacred. This, then, was the *genesis* of the Platonic dialogue; it arose from a half-playful attempt 'to depict the teaching of Socrates in a dramatic form,' it grew in earnestness, and the ever-deepening thoughts and glorious imaginations of Plato were still conveyed by a Socrates who had gradually become very different from the real one. At last the character of Socrates altogether disappeared, and the Dialogues having now lost their greatest charm, 'the reflections of Plato upon Hellas and the world' were put into the mouths of personages who have no dramatic interest.

The form of the dialogue as employed by Plato gave rise to many peculiar and charming characteristics with which the writings of a philosopher are not usually accompanied. In the first place, there is a setting, a *mise en scène*, for the various discussions, which transports us into the middle of the Athens of the fourth century before Christ. We are introduced into various phases of the bright and brilliant society of that wonderful city. We see, as in a glass, the groups assembled in the *Palæstra*, Socrates just returned from the wars coming to revisit his old haunts, the folk crowding round him to get the news, the beautiful boy Charmides—good as he was beautiful—coming in attended by a crowd of worshippers, Socrates, by the magnetic charm of his talk, securing the fair youth's attention, and then all other interests being absorbed in the efforts of the whole company to unravel the intellectual puzzles which Socrates draws out of the simple question, What is Temperance? We see the early morning habits of the Athenians and the influx of visitors at break of day to the house where the great Sophist Protagoras had come, in the course of 'starring it' through Greece, to stay for a time. We see how eager all are, just as St. Paul afterwards described them, 'to hear and tell of some new thing.' We hear the quotations from the poets who were in vogue, and the plaudits of the assembly at any new quibble or ingenious play on words. We are introduced to a supper-party of the wits of the city. We see the grand manners of the host, the youthful poet Agathon, who had just received the prize for his first

tragedy. We hear the lively banter of the guests, and observe at the same time the strenuous intellectual exercise with which they resolve to amuse themselves over their cups. We see Alcibades, as a 'strayed reveller,' coming in garlanded and drunk, to break up the propriety of the assemblage, and to blurt out strange stories of himself and Socrates. At another time we see Socrates and the pedantic Phædrus walking out, like Faust and Wagner, into the country under the Athenian midsummer sun, along the sparkling Ilissus, amid blooms and odours and the song of the cicada and all the charms of nature, which the Master alone has soul enough to appreciate. Again, we assist at the forms of a great Athenian state trial, and hear the defence of Socrates, who is being tried for his life on the charge of having corrupted the youth of Athens. Afterwards, we are present with the sage in his condemned cell, and listen to that calm and half-inspired talk on the immortality of the soul, which has made so deep an impression on the world.

These, and many other such pictures form the settings of the philosophy of Plato. Hegel, in a most amusing passage of his '*Lectures on the History of Philosophy*,' treats them all like the painted outside of a show-booth at a fair—as if they were merely for the purpose of enticing people to come in. He says that many are attracted by the flowery introductions to Plato's Dialogues, and the descriptions of a palaestra or a plane-tree, or something of the kind. And they are full of eagerness because they hope that it will be all like this. But presently they have got through the introduction, and they come upon long stretches of thorny dialectics—no more flowers, but only difficult discussions on the One and the Many, on the possibility of asserting anything about the Non-existent, and so on. Then their hearts sink within them, and they 'go away sorrowing like the young man in the New Testament.' 'And perhaps,' adds Hegel, 'they take to studying Fries, or Heaven knows whom' (we might say, for instance, 'Abercromby on the Moral Feelings'), and they fancy themselves philosophers, while all the time it is only that their 'breasts are swelling with generous aspirations.' To Hegel there is nothing else in Plato really worth attending to, except such passages as treat of the absolute Idea in all its various relations to matter, negation, the world, and the individual mind. If Plato be regarded as a philosopher for philosophers, this view may be the true one. But in the Dialogues themselves we find Socrates for the most part discoursing with those who were enlightened and educated men, but not professed philosophers. And therefore it might be thought that the

Dialogues had a word for men of this kind in all ages. At all events, the proof of this can be obtained by trying. Of course no profound or really adequate study of Plato can be made without grappling with the subtleties in 'Parmenides' and 'Sophist.' But even without this it appears to us that many different minds, to some of whom a little judicious skipping might occasionally be condoned, may in various ways find pleasure in these rich pages, and may obtain from them an impulse not to be despised.

The keen interest felt by the Athenians themselves in the sort of discussions which Plato records, is frequently indicated in the Dialogues, and receives indirect testimony from the manner in which these arguments are supposed to have been preserved. No short-hand writer having been present at the conversations between Socrates and his friends, they could only have been carried out of the circle in which they were uttered, by the strength of memory of some one or more of the company. Plato thinks it nothing out of the way to imagine any one of these discussions being reproduced by memory word for word, with all the attacks and rejoinders, and all the turns and windings of the argument, and all the delicate touches of irony and sarcasm, and repeated to some other person next day, or it might be years afterwards. Socrates, who is represented as a glutton of such talk, sets the example. He is supposed to have said off the whole of the immense conversation which constitutes 'Republic' the day after it occurred. So also of the discussions in 'Protagoras,' 'Charmides,' 'Lysis,' and 'Euthydemus,' he is the sole reporter. The conversation in 'Theætetus' is supposed to have been related by Socrates to one Euclid, who from memory wrote it all down and got Socrates to revise it. It is afterwards read aloud by a slave. The prison-scene and the last talk of Socrates are reported by Phædo, one of the disciples who had been present. The conversations in 'Symposium' are repeated at second-hand by an enthusiast, Apollodorus, who had heard them from Aristodemus and had got the account verified by Socrates. What is most wonderful of all, the subtle and intricate discussion in 'Parmenides' is supposed to be said off by heart by Antiphon, the half-brother of Plato, who had heard the arguments in his youth, years before, from Pythodorus, who had been present at the philosophical *séance*, where they were brought forward. Only one of the personages in the Dialogues of Plato is represented as having a weak memory for philosophy, and that is the shallow-pated Phædrus, who seems to find a difficulty in saying off a short speech of Lysias to which he

had just been listening. It is true that all this is a matter of imagination. Yet still Plato would not have described such feats of the memory unless they had seemed to him to have a certain *vraisemblance*. And his accounts of these matters serve to give us a strong impression of the intellectual activity of society in Athens.

With regard to the *dramatis personæ* of the Dialogues, there is a peculiarity which deserves notice. Several of the personages who are introduced as taking part in these conversations are public characters, whose lives and actions are very well known to the student of Greek history. Such are Nicias, Critias, Meno, Alcibiades, and Anytus. The imaginary time of the Dialogues in which these characters appear, must be assigned severally to various years between 425 B.C. and 414 B.C. 'Meno,' however, represents a meeting which might have taken place about 404 or 403 B.C. The Dialogues themselves were actually written subsequently—and some of them long subsequently—to 395 B.C. In the interval between the time of the imaginary scenes and the period of Plato's sitting down to describe them, how marked had been the public history of the persons whom we have named! Nicias had, by his incompetency, destroyed the Athenian army. Alcibiades had betrayed his country and gone over to the enemy. Critias had become one of the Thirty Tyrants and 'the most hated of 'the Athenians.' He had shown the utmost ingratitude and the most bitter personal animosity to Socrates. Meno had sold the generals of the ten thousand Greeks to the Persians, and after their murder had himself been put to death by Parysatis, the mother of Cyrus. Anytus had taken the lead in procuring the impeachment of Socrates; according to the testimony of Xenophon, he is the man who is to be regarded as having caused the death of the sage. It might have seemed as if the stigma of all these painful circumstances would have adhered indelibly to the men themselves, and that it would have been impossible to conceive them as characters, except by the light of their culpable or unfortunate history. But Plato appears to abstract his mind from all painful associations connected with them. In going back in imagination to the happy times when his Master was still in middle life and unaccused, he depicts those who afterwards became the worst enemies of Socrates, as in friendly and honoured intercourse with him. With dramatic impartiality he represents them as they *then* might have appeared. He represents them in sunny light, without throwing back on them the shadow of subsequent events. Alcibiades is charmingly depicted in 'Symposium'

as the wayward child of genius, full of noble impulses, and yet always inconsistent with himself; having 'felt the pang of philosophy,' and yet not having strength to be true to the pursuit of it; regarding Socrates as the embodiment of his own conscience, and half shunning him, half fascinated by him.

'For (says he) he makes me confess that I ought not to live as I do, neglecting the wants of my own soul, and busying myself with the concerns of the Athenians; therefore I hold my ears and tear myself away from him. And he is the only person who ever made me ashamed, which you might think not to be in my nature, and there is no one else who does the same. I know that I cannot answer him or say that I ought not to do as he bids, but when I leave his presence the love of popularity gets the better of me—and therefore I run away and fly from him, and when I see him I am ashamed of what I have confessed to him. And many a time I wish that he were dead, and yet I know that I should be much more sorry than glad, if he were to die; so that I am at my wits' end.'

'Meno is described,' says Professor Jowett, 'as a sort of Thessalian Alcibiades, rich and luxurious, a spoilt child of fortune, the hereditary friend of the Great King. Like Alcibiades, he is inspired with an ardent desire of knowledge, and is equally willing to learn of Socrates and the Sophists.' Critias appears as a cultivated man of the world, ennobled by the connexion of his family with Solon, having studied under the Sophists, and not without a tincture of philosophy. Anytus is appealed to, in one of the Dialogues, as a respectable and well-to-do citizen of the old school, to settle the question, whether there are any teachers of virtue to be found. In the conversation that ensues, he exhibits a narrow-minded horror of all innovation on the old opinions, and he is finally supposed to lose his temper, and to flounce off with a significant threat: 'Socrates, I think that you are too ready to speak evil of men; and, if you take my advice, I would recommend you to be careful. Perhaps there is no city in which it is not easier to do men harm than to do them good, and this is certainly the case at Athens, as I believe that you know.' Socrates, mildly referring to this, concludes the Dialogue by saying to his companion, 'I fear that I must go away, but do you, now that you are persuaded yourself, persuade our friend Anytus. And don't let him be so exasperated; for if you can persuade him, you will have done some service to the Athenian people.'

In all this we see, in the first place, the reserve and reticence of Greek art. Plato had no call, when introducing as the companions of Socrates characters who had become notorious in history, to advert to qualities in them which had been sub-

sequently developed, or to mix up the present with the past. The one work which he had in hand, and to which he confined himself, was to exhibit them as minds standing in various different relations to knowledge and philosophy. And in this he does not depart from consistency and the probable. He does not represent Critias as an idealist, or Anytus as an open-minded man. Again, there is both dramatic propriety and the truth of human nature in allowing that men may make a fair show to the world and may take an honourable place in society, though afterwards they 'show the cloven hoof.' That Plato should so have represented some men does not show that he was 'regardless of the historical truth of the characters of his *Dialogues*;' it rather proves that he was true to the principles of art. And is there not something else behind? We seem to find a sad irony in the imaginary descriptions of these bright and cheerful meetings characterised by such keen enjoyment of life, and of the play of thought, when we reflect that they were written by one who was conscious of stern ungracious realities connected with many of the actors in them. The very mention of these actors' names would be sure at once to awaken in the reader's mind the recollection of those later facts, and Plato, with the highest art, left the contrast to make itself felt. Each one of the Socratic Dialogues, or all taken as a whole, may be looked upon as a tragedy. All is smiling and serene—Socrates moves about as a king of men (like *Œdipus* in the days of his prosperity and pride); he holds his philosophic court, and the joy of the intellect is over all. But in the background there broods a horror, a dark fate is felt to be ever threatening, we cannot shake off our consciousness of the end—all tends to the condemnation and death of Socrates. It is with the greatest reserve that Plato permits the undertone of sorrow to make itself occasionally felt, as in the passages which remark on the inability of the just man to defend his own cause in a perverted world; or, as when amidst the riot of the banquet, Alcibiades admits how sorry he should be if Socrates were to die; or, as in the vague threat of Anytus above-quoted, that some day he might do Socrates a harm.

No part of the works of Plato is more full of irony—irony in its sad, its laughter-moving, and its trenchant aspect—than the little dialogue called '*Euthyphro*,' which is directly connected with the fate of Socrates. No contrast could be more striking than that of the circumstances and characters of the two persons who constitute the dialogue—Socrates himself, and *Euthyphro*, a learned Athenian diviner and soothsayer. Their meeting is most quaint. They encounter each other in

the porch of the King Archon, which was the office for filing indictments in Athens. Euthyphro asks Socrates, 'What can have brought him to such a place, away from the pastimes of the Lyceum,—surely he cannot be going to law with anyone?' 'Well,' says Socrates, 'not exactly going to law; the fact is I have to defend myself against an impeachment.' On being asked, of what nature? he informs Euthyphro that he is to be tried on a charge of corrupting the young by making new gods and denying the existence of the old ones. Euthyphro says, 'Ah, yes, I see, they are attacking you about what you call your Demon. They think that this savours of neologianism. But never fear, it is all jealousy; they laugh at me too, as if I were a madman, when I talk of divine things to them, and foretell the future; and yet every word that I say is true.' Socrates answers, 'Their laughing would be all very well. But the fact is that the Athenians do not mind so much a man's being wise himself, so long as he does not try to make other people wise, but directly he does this they get angry. And this is the very thing which I cannot keep from doing. So now I am in a scrape, and if the Athenians would only laugh at me as they do at you, the time might pass gaily enough in court; but perhaps they may be in earnest, and then what the end will be you soothsayers only can predict.' 'Oh!' says Euthyphro, '*I daresay the affair will end in nothing*, Socrates, and that you will win your cause, and I think that I shall win mine.' It is needless to point out the flippant self-satisfaction of the soothsayer, who, full of his own concerns, can hardly give a thought to the grave position of Socrates, or the meaning which there is in his light-minded prophecy that Socrates would be acquitted. But now comes his own announcement of the legal business which had brought him to the porch of the King Archon. He was going to prosecute his aged father on a charge of murder. Socrates is shocked at the notion. He says, 'Good Heavens! a man must be an extraordinary man and have made great strides in wisdom before he could have seen his way to this. But was it some relative whom your father murdered?' Euthyphro mocks at the suggestion. He says it is all a question of religious pollution, and there is the same pollution in all murders alike. Then it turns out that a serf on his father's estate in the island of Naxos, had killed a slave. His father had ordered the serf to be bound and thrown into a ditch, and had sent to the interpreters of religion at Athens to ask what should be done with him. But before the messenger came back the criminal had died from hunger and exposure. Euthy-

phro naïvely adds ; ‘ My father and family are angry with me for taking the part of the murderer and prosecuting my father. They say that he did not kill him, and if he did, the dead man was but a murderer, and I ought not to take any notice, for that a son is impious who prosecutes a father. This shows, Socrates, how little they know the opinions of the gods about piety and impiety.’ On hearing this, and that Euthyphro was so perfectly sure of his own accurate knowledge of the nature of piety and impiety, as to feel no hesitation in charging his own father with murder, Socrates declares that he must at once become the pupil of Euthyphro. He says that he himself has to be tried on a charge of impiety, and that it will be of the greatest possible importance to him, with a view to his defence, to learn from Euthyphro, What is piety? Will Euthyphro tell him this? Euthyphro has not the slightest objection to oblige him in this respect; he says : ‘ Piety is doing as I am doing ; that is to say, prosecuting anyone who is guilty of murder, sacrilege, or any other crime—whether he be your father, or mother, or some other person, that makes no difference—and not prosecuting them is impiety.’ Professor Jowett is highly delighted with this answer of Euthyphro; he observes : ‘ Thus begins the contrast between the religion of the letter, or of the narrow and unenlightened conscience, and the higher notion of religion which Socrates vainly endeavours to elicit from him. “ Piety is doing as I do ” is the first idea of religion which is suggested to his mind, and may be regarded as the definition of popular religion in all ages.’

Socrates demands something more general, as even the most correct punishment of sacrilege is rather an instance of piety than a definition of it. So he gets out of Euthyphro that ‘ piety is what is dear to the gods.’ Even this is insufficient, as it states an attribute rather than the essence of piety. What is the quality which makes certain actions dear to the gods and others not? Euthyphro seems at a loss here, and Socrates suggests that justice may have something to do with it. Euthyphro agrees that ‘ piety is a part of justice,’ thus conceding the point at which Socrates aims, that religion must be placed on a moral foundation. He goes on to define it as ‘ that part of justice which consists in attending upon the gods.’ When further interrogated as to the nature of this ‘ attention to the gods,’ he replies that piety is an affair of business, a science of giving and asking, and the like. But the question arises, How can we give the gods any good thing? To which Euthyphro answers that we give them honour,

which is pleasing or dear to them. Thus he has come back to his original position that 'piety is what is dear to the gods' without any explanation of it. 'Socrates, although weary of the subterfuges and evasions of Euthyphro, remains unshaken in his conviction that he must know the nature of piety, or he would never have prosecuted his old father. He is still hoping that he will condescend to instruct him. But Euthyphro is in a hurry and cannot stay. Thus Socrates' last hope of knowing the nature of piety before he is prosecuted for impiety has disappeared!' In this dialogue, as Professor Jowett says, Plato puts the world on their trial and convicts them, in the person of an accredited minister of orthodoxy, of ignorance in that very matter touching which Socrates was accused. The spirit of Euthyphro was in many respects identical with the spirit of the accusers. Both he and they were equally incapable of comprehending the nature of spiritual religion. All this is conveyed by the most delicate implication, and there is a sad humour in making a man like Socrates offer himself as a pupil in questions of piety to a man like Euthyphro.

Great, noble, and touching is the dramatic portraiture of the character of Socrates, as drawn by Plato; and yet the interest that centres round this colossal figure is but a part, and indeed a comparatively small part, of the interest of the works of Plato taken as a whole. In them we have to study the development of Plato's own mind, and the progress of that 'contemplation of all time and all existence,' to which his picture of Socrates was but the *motif* and starting-point. The volumes before us enable us with a comprehensive glance to descry the chief stages in that progress. We see that the way of proceeding with Plato was quite different from that of Aristotle; Aristotle during the first fifty years of his life worked out his philosophy in his own mind, and then employed his last twelve years in stating it and putting it forth, completed, to the world. Whereas, we see that Plato, beginning in early youth, put out in artistic form the questionings that arose in his mind, as fast as they came, giving them for the nonce provisional answers; but ever widening and restating the questions, and afresh clothing them in dialogue with wider and more perfect answers, different in many cases from those at first given. We see how one thought grew out of another, and though the sequence of all the Dialogues cannot be absolutely fixed, we see them broadly falling into divisions which mark successive periods of Plato's mind. We see also a common thread of connexion running through them all,

from 'Charmides' or 'Lysis' to 'Laws.' If we were asked to state in a word what that common thread is, we should say, 'the education of the individual soul.' The Dialogues spring from the idea of Socrates instructing by dialectic. This idea is eagerly seized upon and followed out by Plato, and he appears at first to lay down this process of education by means of an embarrassing dialectic as a necessary condition and *sine quâ non* for all improvement. We may suppose the ordinary primary and secondary instruction to have been gone through and done with; the pupil has acquired certain accomplishments, he knows a good deal by rote, but his mind is not as yet in possession of itself, and nothing has been really brought home to his consciousness. At this point the Socrates of Plato steps in, and in the most graceful manner, with the greatest good humour and urbanity, produces a revulsion in the previously self-satisfied mind of the youth. He implants the conviction of ignorance, as the first condition necessary to the attainment of any true knowledge. He abstains from relieving that sense of ignorance by any easily communicated formula of dogmatic information. He leaves the impression that truth on any subject must be discovered and realised by the mind for itself. He gives many indications of the method by which the discovery must be attempted, at the same time exploding many unsound and misleading methods of thought in vogue in the world. He more or less definitely communicates or hints the kind of answer which he himself 'would be inclined to think' might be given to any particular question. And he finally and invariably impresses the youthful learner with the fixed principle that, however uncertain or difficult the attainment of truth in intellectual matters may be, one thing is absolutely certain, namely, the paramount force of moral duty, or, in other words, the necessity each man is under of being 'as noble and good as it is possible to be.'

This dialectical process we find Socrates represented in the earlier dialogues—as he probably did in real life—applying freely to mere boys. But whether it was from seeing the process applied by other and less cautious practitioners, or merely as a general result of his own long thought and experience—whatever caused it, at all events Plato came to see dangers inherent in unsettling the traditionary opinions of the young. These are strongly stated in 'Republic,' 358, D.

'You know that there are certain principles about justice and good, which were taught us in childhood, and under their parental authority we have been brought up, obeying and honouring them.' 'That is true.'

'And there are also opposite maxims and habits of pleasure which flatter and attract our soul, but they do not influence those who have any sense of right, and who continue to honour the maxims of their fathers and obey them.' 'True.' 'Now, when a man is in this state, and the questioning spirit asks what is fair and honourable, and he answers as the law directs, and then arguments come and refute the word of the legislator, and he is driven into believing that nothing is fair any more than foul, or just and good any more than the opposite, and the same of all his time-honoured notions, do you think that he will still honour and obey them?' 'That is impossible.' 'And when he ceases to think them honourable and natural as heretofore, and he fails to discover the true, can he be expected to pursue any life other than that which flatters his desires?' 'He cannot.' 'And from being an observer of the law he is converted into a lawless person?' 'Unquestionably.' 'Now all this is very natural in those who study philosophy in this manner, and also, as I was just now saying, most excusable.' 'Yes, he said, and as I may add, pitiable.'

In the ideal 'Republic,' as in a novel, the remedy for this, or for any other difficulty, was not far to seek. Plato proposed to lay down the rules, first, that only those who possessed grave and steadfast natures should be permitted by the Guardians to study dialectic (that is philosophy) at all; and second, that even this limited class should defer their dialectical studies till they should be thirty years of age, and thus be somewhat removed from the sway of youthful passion. Finally, he proposed to enact that a man should study philosophy from his thirtieth to his thirty-fifth year, and then should 'go down 'into the den'—that is into practical and political life—till he was fifty, at which age he might be allowed to return to abstract thought, and should spend the remainder of his earthly existence in the contemplation of the Absolute Good. But alas! in real life, these safeguards are hardly practicable. A man who has never questioned anything before he is thirty years old, will probably never question anything at all. Life cannot be mapped out on the lines of a Utopian dream. The 'sting of philosophy' plants itself 'in the finest wits of all,' and the difficulties that hence may arise cannot be evaded by any mere suppression of the intellectual impulse. So far as they exist, they are but an additional instance of a seeming inequality in life, as if an over large portion of the probation of life were laid on the years between seventeen and twenty-five. Plato's recognition of these difficulties is an instance of the tenderness of his spirit, which makes him anxious that no weaker brother should be made to stumble. It is a touch of nature significant for all time, but for some periods of society more especially than for others. At all periods it

would be a happy thing for young men, when they begin to speculate and inquire about the foundations of morals and religion, if they could have a Platonic Socrates at their side to indicate to them that to 'will to do' what is right, is not only a practical safeguard, but also intellectually a necessary condition to arriving at a knowledge of the nature of the right.

Plato doubtless varied a good deal in the programmes of education which at different periods of his own life he drew out. In 'Republic' dialectic (or metaphysics) is represented as the crowning study, to be properly regulated, but to have everything subordinated to it. In 'Laws' mathematics is made very much to take the place of philosophy. This suits the conservative spirit of Plato's old age; he hopes that 'mathematics may lead the mind from the paths of impiety to 'the religious contemplation of the starry heavens, and that 'the pattern of order there beheld may become the pattern 'of the order of the State.' But under all differences of detail the education and progress of the individual soul seems ever to have been a predominant subject of Plato's thoughts. In 'Theætetus' he describes the attainment of truth and the contemplation of the Absolute, as a process of being made like to God, by which alone final blessedness is to be reached. And gradually he seems to have come to entertain the belief, which is expressed in 'Republic,' that the education of the soul is a process only begun in this life, and to be carried on in a subsequent state of existence. The same idea was revived, apparently without any knowledge that it had been Plato's, by the late Mr. Thomas Erskine of Linlathen.* Plato, however, was not a universalist; he does not anywhere assert that all men by the training and purification of their souls will finally reach salvation. He entertained, at all events during one period of his life, while under Pythagorean influences, a belief in three possible consequences at the end of the individual life—either eternal blessedness attainable by those souls which had been purified by virtue and philosophy; or, a state of purgatory, to be followed by metempsychosis and a fresh probation on earth; or, final condemnation without further hope of redemption. Plato conceives that this last sentence would be the fate of those great malefactors of mankind, such as the worst tyrants and other utterly lawless spirits, who should have rendered themselves incurable and incapable of

* See his 'Letters,' edited by the Bishop of Argyll, and published by Messrs. Strahan, 1871.

improvement.* Plato's theory of punishment is essentially the corrective theory — that punishment is for the good of the person punished. But he adds force to the consideration of the great importance of habits in the soul, by supposing that the soul by evil habits can become degraded past the possibility of improvement; in which case, the soul being still immortal, he represents in the passages referred to, that eternal retributive punishment, as a warning to others, must be the result.

The Eschatology of Plato, and indeed all parts of his Natural Theology, are deeply interesting. In many respects they may be compared with the ideas of the Hindoos; in some points with the creed of Christendom. The imagery in which they are clothed is as gorgeous as the visions of Swedenborg. But yet we must not read Plato's pictures of a future world out of their context, or interpret them as if Plato pledged himself for their actual truth, and, placing them in the foreground of his thought, would wish to order the whole of the present life in reference to them. On the contrary, these conceptions of the future state are always suggested in a hesitating manner, in the form of a myth, or a tale that has been heard somewhere. They are always introduced in the background, as it were, of Plato's arguments. They never form the primary thesis which any dialogue tends to prove, but they are brought in as a corollary which, so far as they can be maintained, strengthen other conclusions on which men can be certain, such as the immortality of the soul and the superiority in this life of justice over injustice, and they add something to them. But, as Plato says in 'Phædo,' 'I do not mean to affirm that the description which I have given of the soul and her mansions is exactly true; a man of sense ought hardly to say that. But I do say that, inasmuch as the soul is shown to be immortal, he may venture to think, not improperly or unworthily, that something of the kind is true.'

The belief in the immortality of the soul was deeply rooted in the mind of Plato, but it found many various and different forms of expression in different parts of his writings. In some places the doctrine of Metempsychosis is more prominent, in others that of an 'anima mundi.' Sometimes the essence of the soul is represented as a principle of motion, at other times as a moral principle which could only be destroyed by her own proper evil, vice, and if not by that, then not at all.

* See 'Phædo,' 113-114, 'Gorgias,' 523-525, and 'Republic,' 614-620.

Again, the soul is described in her ante-natal state, as seeing the divine Ideas, of which reminiscences are afterwards awakened by the appearance of sensible things on this earth. Or again, she is represented as returning after death to her kindred star.

These different conceptions cannot be harmonised or reduced to unity, though to a certain extent a common spirit may be said to animate them. But the fact is, that the question of the immortality of the soul has for modern times one particular set of interests—namely, those connected with the fate of the individual and with the theory of morals and religion. But in Plato's mind at least two sets of interests were connected with the same question. These were, on the one hand, moral; and, when Plato speaks of a future life in reference to justice and virtue, he uses language not unlike that of modern theology. But, on the other hand, he attached a metaphysical and logical meaning to the question, and while discussing whether the soul could be thought to survive death, he was sometimes really inquiring whether an absolute nature could be attributed to universal Ideas—such as Equality, Truth, Beauty, Goodness, and the like. If nothing in this world exactly answers to these Ideas, whence did we derive them? They must be the vestiges and witnesses in us of an ante-natal state. The history of the soul and of the Ideas must be bound up together. 'If the ideas of men are eternal, then their souls are eternal, and if not the ideas, then not the souls.'

But it is observed that in treating of the soul as the vehicle of universal conceptions, Plato tends to pass from the personal into the impersonal, so that the future life of the individual seems to fade out of sight and to be succeeded by a belief in the eternal being of an absolute reason. If this point of view were adhered to, the result would be a Hegelian doctrine of the permanence of the Idea independently of individual minds. And there are some indications of such a doctrine in Plato. But those critics go too far who would wish to reduce all Plato's expressions on the subject to this one meaning, and who discover in 'Phædo,' under the guise of the doctrine of the immortality of the soul, an allegorical statement of a theory of knowledge. This view is as much a narrowing of Plato, and is as extreme and one-sided, as the more commonplace notion—that Plato treats of the future life simply in the spirit of a modern divine. It is surely possible to allow for the double aspect which the question had for Plato's mind. He was 'as much in earnest about his doctrine of retribution as about his theory of knowledge;' but, we may add, not more so.

He was profoundly interested in the religious and moral aspect of human life, but at the same time he regarded nothing in life higher or more important than the acquisition of truth, for which the first condition must be the solving of the problems connected with the nature of truth. Thus Plato the moralist and Plato the metaphysician are as warp and woof which cannot be separated. The first intimation in his writings of the eternal nature of the soul occurs in 'Meno,' where it is introduced to explain the possibility of the beginnings of knowledge, but immediately, in a parenthesis, Plato adds: 'And the moral is that a man ought always to live in perfect holiness.' Any attempt to restrict Plato to a single point of view, or even to show that his philosophy 'centres round' any particular doctrine, is to do wrong to the infinite richness of his genius. Plato 'the myriad-minded' seems rather to show us in his writings an intellect 'whose centre is everywhere.'

In order to study these writings at all adequately, we must not confine our attention to the parts in them which seem most akin to modern habits of mind, but rather we must resort to the historical method, and endeavour to realise the state of thought at which Greece, before Plato, had arrived, and the sort of problems which naturally presented themselves to him. We must realise the condition of an intellectual people among whom the simplest logical notions—the very rudiments of the grammar of thought—had not yet been developed. Hence all the earlier Dialogues represent the difficulty which is felt in defining anything, or of forming an abstract conception of anything, or of refuting the verbal fallacies with which some of the Sophists were astonishing the world. Again, there was not only no Logic, but also no Psychology, worthy of the name. Plato is quite puzzled at first to say whether or not virtue is a kind of knowledge, because before him the distinction, which to us seems so simple, between the reason and the will, had never been drawn. Again, the divisions of the sciences had never been made; not only separate sciences, like political economy, had not emerged, but ethics and politics had not been separated; and at one time of Plato's life, they seemed to him both capable of being amalgamated with metaphysics. The separate method of the physical sciences had, of course, not been recognised. Comparative philology was impossible. Plato knew no language but his own, and had hardly any history from which to draw experience. The older Greek philosophies of Heraclitus, Pythagoras, and the Eleatics—which Bacon vainly thinks may have been superior to Plato and Aristotle, as having more tincture of natural science in

them—had begun to die out and pass away in words. Yet the Athenian intellect and the Athenian language were already refined to the highest degree. Sophocles and Thucydides had written; art was in its richest bloom; the Sophists had filled the Hellenic world with their subtleties; Socrates had set the example of stubborn questioning; all was ready for a great clearing up of the forms of thought. At this point Plato steps forward, the great Dialectician, or master of method, and at the same time the great Poet, or creator of ideas; to whose mind the abstract and the concrete were of co-equal importance; and at the touch of his wand the previously-confused elements of thought fall into clear crystals. With Plato

‘Magnus ab integro sæclorum nascitur ordo;’

the modern world is, through Aristotle, directly connected with him; and in studying his Dialogues we are present, as it were, at the birth of almost the entire system of European thought. In logic, psychology, metaphysics, ethics, politics, and natural religion, how few results can we exhibit in the present day, of which at all events the beginnings, and often far more than the beginnings, are not to be found in Plato. But his rich contributions to these various departments of knowledge were left scattered up and down in his works, and they required a process of codification. His disciple, Aristotle, with the greatest gifts for the analytic systematising of philosophy that have ever been seen, unconsciously applied himself to the required task. Aristotle may be said to have codified Plato, and to have translated him into the prose of dogmatic theory. But he did this ungraciously, seeming to dwell by preference on the differences of view between his master and himself; and he did it, as we have said, unconsciously, apparently not perceiving how much the substance of his own thought was derived from Plato, and how almost completely his own logic, and metaphysics, and politics, and ethics, were already comprised in Plato. But yet he did a service to the world in condensing Plato, and in carrying out his results and suggestions.

For the logic of Plato we must refer especially to his earlier Dialogues, and to ‘*Philebus*’ and ‘*Sophist*.’ We find him at first taken up, as Socrates had been before him, with the difficulty of forming definitions of common terms. He draws attention to the ambiguity lurking under words which have different shades of meaning—what later logicians called ‘anal-
‘ogous words.’ He points out the necessity of distinguishing essence from attribute, or, as the schoolmen would have said,

'differentia' from 'proprium.' He exhibits by living and concrete examples the use and importance of 'negative instances.' He shows laughingly, but not less truly, the art of the refutation of fallacies. He afterwards propounds more at length a theory of classification and of deductive reasoning. In his latest work, 'Laws,' he says that the true guardian of the state must be able to reduce the many to the one, than which 'no more philosophical method was ever attained by the wit of man.' Looking to the chaotic state of the methods of reasoning before him, we may call Plato, virtually, the father of formal logic; though he left the formal syllogism to be developed by Aristotle, and only exhibited reasoning as it appears, or ought to appear, in real life, in which the formal syllogism is never employed. To the department of psychology Plato's first great contribution was made in 'Phædrus,' where he describes the soul under the figure of a charioteer and a pair of winged horses; one a high-bred white horse, full of spirit and at the same time of docility, sensible, and obeying the least sound of the driver's voice; the other a dark-coloured brute, without blood or breeding, hard-mouthed, obstinate, and violent. The charioteer is the reason; the dark horse, the animal and concupiscent nature in man; the white steed is the moral nature, generally tending to obey the reason, unless diverted and dragged aside by its yoke-fellow, passion. Here, then, we have the first appearance of that tripartite division of the soul, which has since played so large a part in the history of philosophy. It is taken up again, without the original symbols, in 'Republic,' where Plato compares the three ranks of the rulers, the soldiers, and the working classes, with the reason, the manly spirit, and the desires. For 'the white horse' in us is now substituted what Plato names *θυμός*, and which embraces all that we mean by spirit, pluck, anger, indignation, and the instinct of honour. It is a somewhat vague term, but it indicates the discovery of an element in man between reason and passion, and tending generally to act in conjunction with reason. The discovery at once got rid of the paradox that virtue is identical with knowledge, and it gave rise in Aristotle to a theory of the will, and a philosophical system of morals. Beside this general mapping out of human nature, Plato contributed also a whole swarm of minor psychological observations of which his writings are full. He also started (in 'Republic,' 511,) another great and famous psychological distinction—that between the pure reason—the fixed *à priori* faculty, which contemplates the ideas or highest universals; and the understanding, or active and discursive faculty, which makes

inferences from *data*. This distinction was accepted by Aristotle; it figures in the system of Kant, and was eagerly adopted by Coleridge. But it cannot be said to have met with universal acceptance, as it is quite opposed to the views of the Sensationalists, who consider all intellectual apprehensions to be perfectly homogeneous. Plato himself can hardly be said to have laid much stress upon the distinction, as he does not return to it.

On the metaphysics of Plato, if we are to touch at all, it must only be for an instant, since even Professor Jowett (vol. iii. p. 228) avoids the discussion of this subject, as involving a comprehensive survey of the philosophy of Plato, which he thinks would be out of place in one of his Introductions. But one remark may be made. Almost everybody would suppose that the doctrine of the Ideas was the leading characteristic of Plato's system, and that the form of this doctrine was pretty well defined; that the Ideas were transcendental patterns of the phenomena of thought, that the soul had known them in an ante-natal state, and was reminded of them, and so on. But from seeing Plato's works all together in an easily studied form, as in these volumes, we gain a very different conception of his attitude in regard to the doctrine. We see that in regard to this, as to so many other questions, Plato had no system, but was always inquiring. We find that the transcendental existence of the Ideas, that is, their existence apart from the human mind, is only asserted, together with the doctrine of our recollecting them, in mythical and imaginative passages of 'Meno,' 'Phædrus,' and 'Phædo;' that in later Dialogues, as 'Republic,' and 'Philebus,' they are treated of in a more sober spirit; that in 'Theætetus,' 'Sophist,' 'Politicus,' and 'Laws,' the Ideas are mentioned much as Universals would be spoken of in modern books; lastly, what is most remarkable of all, we find in 'Parmenides' a criticism on the doctrine of Ideas, in which the weak points of the doctrine and the difficulties attendant on it are pointed out. Socrates, who is represented in the dialogue as a promising young man, defends the supposed orthodox view of the Ideas, but he is refuted by the venerable Parmenides, who lectures him on his want of practice in dialectic. And it is a curious fact that the arguments here put by Plato into the mouth of Parmenides against his own so-called system, are used by Aristotle in attacking Plato himself! Whatever may be thought of Aristotle in regard to this matter, we cannot help recognising the predominance in Plato of the love of truth over every other consideration. It appears that at one

period of his life, when deeply plunged in the study of Eleatic philosophy, he saw that his own doctrine of Ideas required revision, and in the dialogue of 'Parmenides' he at once put out what he had arrived at. To the tenets of a general Idealism, expressed under different forms, Plato seems always to have remained faithful. At one time the Idea of Beauty, at another time the Idea of Good, is held up as the cause of the existence of the world; the universal is described as the real, and the particular as the half-real; mind and intelligence are represented as the pre-existent cause, and not as the effect of the material creation; and in his latest work, 'Laws,' Plato strenuously inculcates the priority of the soul to the body. All this is in a different direction from much of the philosophy of the present day, and Plato's arguments require serious refutation before that philosophy can be safely accepted.

The Politics of Plato are full of the deepest interest. On no subject was he more in earnest than this, and his three treatises upon it, 'Republic,' 'Politicus,' and 'Laws,' are nearly equal in bulk to all his other works put together. Keenly alive to the evils in human society, he proclaimed that 'cities will never cease from ill until they are better governed.' His own lifetime having fallen on the period of the decline of Athenian politics, he was inspired with a sort of Apocalyptic zeal to conceive a perfect State, and to prescribe how, out of the elements of human nature, such a State might be created. But, while with imaginative fervour he dwelt on this ideal, he surrounded the unfolding of it with all his accustomed accessories of humour, irony, and the dramatic play of character. Hence his 'Republic' stands forth characterised not so much by a fanatical enthusiasm, as by the calmness of a perfect work of art. It has exercised, and may even yet exercise, a great influence on the world. In these days, when so many social questions which had long been considered closed are opened afresh, and when men in so many parts of the world are going back to first principles, there may be still an advantage in reading, 'not to accept immediately, or to refute, but to weigh and consider,' the thoughts of a man like Plato on such matters. Some of the paradoxes of 'Republic' are akin to some of the ultra views of the present day, such as the paradox of communism and the paradox of the relation of the sexes. In the Ideal State no man was to 'call anything his own,' there was to be 'neither marriage nor giving in marriage,' and women were to have an education identical with men, and to share with them the labours of war and politics.

But those who would seek in Plato a confirmation of their extreme views, may be disappointed to find that he afterwards himself retracted those parts of his proposals which are most shocking to ordinary minds. He, however, points out that much of the existing feeling with reference to the relation of the sexes is a matter of habit. And Professor Jowett gives high praise to his views on the position of women. 'In no former age of the world would Plato's ideas on this subject have received so much assent as in our own. That he should have emancipated himself from the customs of his own country, and from the example of the East, is a wonderful proof of philosophical insight. He is as much in advance of modern nations as they are in advance of the customs of Greek society.'

Nothing could show more clearly Plato's earnest feeling with regard to politics, than the fact, that after having in mature life produced so great and brilliant a work as '*Republic*,' he should in old age, when he was at least seventy-four years old, have undertaken to rewrite it all, and bring down his ideal proposals to the level of what he considered the possible. And, perhaps, no greater service has been rendered to the Platonic writings by Professor Jowett, than his vindication of '*Laws*' as beyond all question a genuine work of Plato, and his lucid exposition of the character of this last fruit of Plato's genius. '*Laws*' of course is far from having the charm of '*Republic*;' the wings of Plato's imagination had now begun to droop, he had lost the spring of his fancy and dramatic humour; a somewhat sombre colouring pervades the whole; and yet there are several noble passages in this dialogue, especially those which exhort to a grave piety and belief in God. The institutions of marriage and of private property are now replaced by Plato, though the latter is somewhat restricted by the provision that no man in the State is to be very rich. The points which separate Plato's '*second-best*,' or practical, polity from the possibility of imitation in modern times, are, 1st, that it is based on slavery; 2nd, that the number of the free citizens is supposed to be absolutely restricted to 5,040; and 3rd, that all the institutions in it are characterised by over-government; no free career is left to individual ability, all is pervaded by a spirit of jealous inquisition, and in the true spirit of the Jesuit order it is laid down that 'no man is to be without a commander.' On the other hand, in the direction which State institutions have taken in Prussia since the days of the battle of Jena; in the tendencies inaugurated by Stein, Fichte, and Arndt; in the compulsory education

and compulsory military service; in the complete superintendence taken by the State of education, and especially of the higher education of the people; and in the idea, so industriously propagated and so really influential in Prussia, that every man is a member of the State and a part of a great living organism;—in all these things there is much to remind of Plato's 'Laws.'

We have been able to indicate very briefly only a few of the points which strike the mind on a survey of the collective works of Plato, now for the first time adequately presented to the English reader. What we are obliged to omit is of course far more than what we can mention. Had space permitted, we would willingly have called attention to Plato's speculations on the nature of language, half earnest and half in play, given in 'Cratylus'; and to his theories of the universe and of the creation of the world, which form the subject of 'Timæus.' These were provinces lying beyond the possibility of adequate treatment in Plato's age. And yet the justice of many of his views and his profound intuition of many truths subsequently established by science, must excite our wonder. Nothing can be more admirable than Professor Jowett's appreciation, in his introduction to 'Timæus,' of Plato's position as a physical philosopher, and the way in which he establishes (we should hope even to the satisfaction of the British Association) the worth and provisional validity of the ancient *à priori* methods of contemplating the universe, and their absolute necessity as forerunners of scientific induction. Plato's many and various conjectures on the evolution of man, and on the origin of society, have a peculiar interest at the present day. On the delicate topic of 'Platonic love'—really so different from what many people imagine—we should have been content to refer to Professor Jowett's explanations. But we should have liked to collect from these pages some of the aphorisms of wisdom which lie thickly scattered, not only in the Platonic writings themselves, but also in the commentaries of their most worthy expositor. A 'Golden Treasury' of aphorisms on all the great questions of human life might easily be extracted from these volumes. But we have been able to dip only a very small cup into this ocean. Professor Jowett is evidently of opinion that Plato has never been fully understood and appreciated by the world. In Aristotle, a great portion of his thoughts met with no sympathy. In the so-called Platonic school, 'the doctrine of ideas passed into one of numbers instead of advancing from the abstract to the concrete; the theories of Plato were

' taken out of their context, and either asserted or refuted with
 ' a provoking literalism; the Socratic or Platonic element in
 ' his teaching was absorbed into the Megarian or Pythagorean;
 ' his poetry was converted into mysticism; his unsubstantial
 ' visions were pierced by the spear of logic. His political
 ' speculations no longer retained their freshness and interest
 ' when the freedom of Hellas had passed away. The best of
 ' him—his love of truth, and his "contemplation of all time and
 ' "all existence," was soonest lost; and some of his greatest
 ' thoughts have slept in the ear of mankind almost ever since
 ' they were first uttered.' It may be the case that Plato will
 now be not only more widely studied, but also more truly
 understood, than at any previous period of the world's history.
 And that this should be so, we cannot but regard as fortunate,
 for these volumes clearly show that to study Plato—to learn
 to appreciate him aright—is of itself enough to constitute a
 liberal education.

ART. II. — *The Original Ordinances of more than one hundred Early English Gilds: * together with ye olde Usages of ye Cite of Wynchestre; the Ordinances of Worcester; the Office of the Mayor of Bristol; and the Costumary of the Manor of Tettenhall-Regis. From Original MSS. of the Fourteenth and Fifteenth Centuries.* Edited, with Notes, by the late TOULMIN SMITH, Esq. With an Introduction and Glossary, &c., by his daughter, LUCY TOULMIN SMITH, and a Preliminary Essay on the 'History and Development of Gilds,' by Dr. LUJO BRENTANO. London: published for the Early English Text Society. 1870.

ABOUT four years have elapsed since we first directed the attention of our readers to the publications of the Early English Text Society; but in that interval of time the Society has continued with great zeal and activity the prosecution of its useful labours. The first objects it had in view were to rescue from oblivion the philological monuments and the

* Mr. Toulmin Smith spells the word *gilds* throughout: but we are convinced this is an error. In Danish and Low German it is spelt without the *u*, but Mr. Wedgwood derives it from the Welch *gryl* and Breton *goel*, *gouil*; the Dutch form is *gulde*. All these words mean a festal holiday. Guildhall means the hall of feasts. Guild day (in Norfolk) means the festival of city. 'The primary meaning,' says Mr. Wedgwood, 'is a feast, afterwards extended to the persons who feasted.'

poetical traditions of our early English tongue ; and accordingly the remarks we had occasion to make in our former article (*Edin. Rev.* vol. cxxxv. p. 220),* were principally directed to these subjects. In the volume before us the editor, the late Mr. Toulmin Smith, has taken a wider range. The History of the Guilds of England is a valuable contribution to our knowledge of the social and political condition of the people. It is a precious collection of interesting facts, edited with remarkable patience and ability.

We propose therefore to give some account of the contents of this very curious volume upon English Guilds, which are well worth all the labour and pains that has been taken to render them fit for presentation in the shape now before us. It is to be regretted that the learned and laborious editor of the work was not spared to witness its publication, or to complete the final editorial duties, now supplied by the pious care of his daughter. To him is due, in the first place, the recognition of the value of certain bundles of ancient documents in the Record Office: secondly, the mastering and arranging of their component parts, and the addition from other sources of similar materials of equal curiosity and value.

It can scarcely be held necessary to explain the general nature of the institutions to which the name of Guild is attached. Originating in very early times, they rudely fulfilled, like the organs of the older races of animal life, a variety of functions, for the discharge of which, in later times, a more distinct and complicated system has supervened. But for whatever purposes they were constituted, they all relied on the basis of mutual self-help and protection, and served as centres of social life, and as the precursors of the municipal corporations which, for certain objects, continued long and usefully to represent them, no less than of the modern trades' unions, and of the benefit and burial clubs, which flourish as the living equivalents of the ancient social crafts or mystery guilds. For the actual homologues of the old guilds in more special points of view, we must turn to a variety of private societies which now administer, in a more liberal and extensive manner, benevolent assistance, more or less resembling that which in the guilds was exclusively confined to their own members. As instances of this might be mentioned such bodies as the Royal Literary Fund, the Humane Society, the National Life Boat Society—all of which would, in a different phase of social life, have been religious guilds, if any schemes of similar wide and unselfish beneficence could have been entertained in the age when these arose. Everything, however, must be judged according to its

surrounding circumstances, and it must be admitted that the old guilds, limited and comparatively selfish as their objects were, did good work in their time, and were the germ of much that is most excellent in this country. It is not philosophical to except to the leaf because it is not a blossom; or to the blossom because it is not a fruit; and we must be content to acknowledge our obligations to these ancient associations, although we may at the same time retain the right to prefer modern ways and means, and even to censure some of what survives from the old guilds, in the most objectionable features of the actual trades' unions.

In the year 1388, the twelfth of Richard II., it was ordered by a Parliament holden at Cambridge, that returns should be made to the King in Council as to the ordinances, usages, and properties of the English Guilds; and it is from the returns made in obedience to this order that the contents of the volume before us have been obtained. In our days, in a similar case, there would have been a Commission to collect information, or a simple motion for a Parliamentary Return precisely like that of 1388, and in either mode of proceeding there would be a result of blue book. But whether the blue books would survive for nearly five hundred years, and create as much interest at the end of that period as the parchments disinterred by Mr. Toulmin Smith from the Record Office are now capable of creating, is a speculation into which we will not enter. The returns seem to have been duly made and forwarded, and enough of them have escaped the perils of decay and of the rats to give ample information of what the guilds really were at that time. It was ordered that two writs should be sent to every sheriff in England, one calling upon 'the masters and wardens of all guilds and brotherhoods' to send returns of all details as to the foundation, statutes, and property of their guilds; and the other desiring the 'masters and wardens and overlookers of all the mysteries and crafts' to return copies of their charters or letters-patent. Of these official returns more than five hundred remain; but there is a noteworthy suggestion that others are yet to be found among local and municipal archives for which search might be made, and from which further knowledge might be gained. The object of this proceeding may be surmised to have been to ascertain the numbers and influence of the guilds (many of which had been then recently founded) in a jealous feeling of their growing importance; or it may have been to raise money by direct confiscation of their funds, or by compelling them to accept charters from the crown, as happened to so many municipal corporations in the reign of Charles II.

The general idea of the guilds was, as has been already observed, that of association for mutual help, beyond and beside that which the available protection of the law of the land afforded, in times of almost universal insecurity. They were of two kinds, the social guilds and the guilds of crafts (for each of which separate writs were issued); the one, although with higher aims, resembling the modern club or benefit society, and the other more like the familiar trades' union. The religious element pervading the guilds does not seem to have been essential to their character, but rather to have been contained in the atmosphere which they breathed, and to have been unavoidably taken in along with it. Yet it must have exercised a strong influence upon them; it asserts a prominent place in almost all of their ordinances; and it ultimately afforded ground for their destruction.

To nearly all the guilds women were admitted as well as men, and the brethren and sisters of the societies appear to have been on terms of absolute equality, wives as well as single women belonging to them. Nor did persons of good worship and estate think it above them to belong to these fraternities, and appear in public in the uniform garb or livery prescribed for them. Some such with their wives are described by Chaucer in the prologue to the '*Canterbury Tales*':—

' An Haberdasher and a Carpenter,
A Webbe, a Deyer, and a Tapiser,
Were alle yclothed in o livere,
Of a solemne and grete fraternite.
Ful freshe and newe hir gere ypiked was.
Hir knives were ychaped not with bras,
But all with silver wrought ful clere and wel,
Hir girdeles and hir pouches every del.
Wel semed eche of hem a fayre burgeis,
To sitten in a gild halle, on the deis.
Everich, for the wisdom that he can,
Was shapelich for to ben an alderman.
For catel hadden they ynough and rent,
And eke hir wives wolde it wel assent :
And elles certainly they were to blame.
It is ful fayre to ben ycleped madame,
And for to gon to vigiles all before,
And have a mantel reallich ybore.'

The guilds must often have been wealthy and numerous bodies, and occasionally enrolled amongst them distinguished personages. The Guild of Corpus Christi at York numbered 14,850 members; the Guild of the Trinity at Coventry could count Henry IV. and Henry VI. among its brethren; as in

later times, that of St. Barbara of St. Catherine's Church, near the Tower of London, could boast of Henry VIII. and Wolsey as belonging to it. There was generally an oath of obedience and some formality in the admission of new members. There were payments upon entrance, and annual or occasional payments and various fines, and in most there were payments in money, or in kind, for wax, for the light at the feasts, or to burn at an altar, or at the funeral rites of deceased members; a superstitious use, which very directly exposed the guilds to the action of the statute of the 1st Edward VI., of which Mr. Toulmin Smith has made, as we venture to think, far too much ground of complaint. It seems to have been a necessary corollary to the suppression of the monasteries, and an inevitable incident in the progress of the Reformation, that all funds dedicated to the maintenance of services for the dead and the support of lights should be applied to better uses—and if the incomes of the charities and guilds so suppressed and confiscated to the Crown became the prey of rapacious courtiers, instead of being applied, as intended, to the foundation of grammar schools, it is no more than what happened in the case of the vast estates of the Church, which were forfeited and squandered away in the course of the grand revolt from Rome. On the Continent also guilds were abolished in all Protestant countries at the time of the Reformation, and their property made over to poor-houses, hospitals, and schools.

The guilds had their appointed days of meeting, called 'morning-speeches' or 'dayes of spekyngges tokedere for here 'comune profyte,' at which the business of the society was transacted; and the name seems to have been originally derived from the circumstance that these business meetings were held on the morning or morrow of the day on which the guild held its feast. And, as in the modern parish club, there was always a grand day or anniversary celebration, usually kept on the day of the saint to whom the guild was dedicated, when the brethren and sisters, clad in their proper liveries or hoods, assembled for worship, almsgiving, feasting, and for 'the 'nourishing of brotherly love.' Some of the guilds seem to have been expressly founded for the performance of mystery-plays, and probably all appeared on their public days in procession, and with banners and other decorations, such as still survive at the Lord Mayor's show in London, or on the gala days of the modern Odd Fellows and Foresters' club, or such as until recently could be seen in the annual procession of Lady Godiva at Coventry. At the guild meetings there was a box

containing their valuables, and the opened box was the sign that the meeting had begun. While the box was open, all present had to remain with uncovered heads, and during such time all disrespectful conduct, as well as improper clothing, cursing and swearing—in short, all that showed want of respect—was severely punished. It may be mentioned in connexion with this observance, that at the dinners of the oldest existing social club in London (the Dilettanti Society), a carved box is solemnly placed after dinner upon the table, before the transaction of any business commences; as it were in pursuance of this ancient custom.

The property of the guilds consisted of lands, cattle, money, valuable church ornaments, furniture for the guild-house, hoods and liveries, and articles used for the presentment of plays and in the shows. The expenditure would be on the sick, poor, and aged of the confraternity, in making good losses by robbery, and in the performance of funeral rites. Loans of money were advanced, pilgrims were assisted, and at one place 'any good girl of the guild' was to have a dowry on marriage, if her father was unable to provide it. In some instances, travellers were lodged and fed; while the funds of some guilds were charged with the repair of roads, town-walls, and bridges, or with the sustentation of the fabric and ornaments of a church. Education was a less frequent object, but was not altogether unknown, and the maintenance of a school and schoolmaster is provided for by some of the ordinances returned in obedience to the writs of Richard II.

The guilds were governed by officers chosen annually by the members, in the true spirit of self-government, bearing the names of aldermen, wardens, deans, and clerks. The due wearing of the gowns and hoods which formed the livery of each society was enforced. This uniformity of dress was universal, and the name still survives in that of the Livery-Companies of London. Governments of the day seem to have occasionally felt alarm at the use of a regular costume, and ineffectual attempts were made to check it, not long after the date of the returns, which may themselves have been asked for, as already suggested, in some alarm at the increasing power of so many independent and self-governed communities throughout the length and breadth of the land.

Beyond material advantages, and mutual protection against oppression, the guilds proposed to themselves the maintenance of a high code of morality and social discipline. A good specimen of the sort of ordinance used for this purpose is afforded by the Guild of St. Anne, in the church of St. Lawrence, Jewry, London, to the following effect:—

'If any of the company be of wicked fame of his body, and take other wives than his own, or if he be single man, and be hold a common lechour or contekour, or rebel of his tongue, he shall be warned of the Warden three times; and if he will not himself amend, he shall pay to the Wardens all his arreerages that he oweth to the company, and he shall be put off for evermore. And if ony man be of good state, and use hym to ly long in bed; and at rising of his bed ne will not work, but ne wyn his sustenance and keep his house, and go to the tavern, to the wyne, to the ale, to wrestling, to schetyng, and in this manner falleth poor, and left his cattel in his default for succour; and trust to be holpen by the fraternity: that man shal never have good, ne help of companie, neither in his lyfe, ne at his dethe; but he shal be put off for evermore of the companie.'

Differences between members were to be, as far as possible, settled by the arbitration of a '*forum domesticum*,' instead of by resort to the general courts of the country; a provision alike to those contained in the statutes of the colleges at the Universities of Oxford and Cambridge, and in other old foundations, by which the decision of a private visitor is substituted for the operation of the public law of the land. Such were the chief matters, to the regulation of which the ordinances of the guilds were directed.

We pass on to some account of the Records, from which they have, for the most part, been printed. In the Public Record Office there are three bundles, known as '*Miscellaneous*' '*Rolls and Town Records*,' and containing 549 skins or membranes. Most are of vellum or parchment, but some are upon a peculiar and hitherto unknown kind of linen paper, to which notice was first called by Mr. Toulmin Smith. This is a very much earlier use of paper in England than had ever been previously suspected. Some of the writs sent to the sheriffs are upon this paper, and some of the returns sent up from the country are also upon a similar kind of paper, showing that it was employed not only in what would now be called the Government Offices in London, but in the remote shires of England as well, and this as early as the close of the fourteenth century. The paper is described as remarkably firm and sound, and as having resisted the effects of time, after five hundred years of bad treatment, as well as the best specimens of vellum found in company with it. The documents vary in shape and size, from narrow slips or small squares of eight or nine inches, to large skins or several skins tacked together, and some are in the form of small books. The greater part are in Latin; some in old French, and some in English. The volume, published by the Early English Text Society contains the whole of the returns in the Record Office, to the number of

forty-five, which are written in English; translations and abstracts are given from some of those in Latin or French; and references are made to more. Other returns have been obtained from the libraries of Oxford and Cambridge, the British Museum, and various public and private depositories.

The first return set out is from the Guild of Garlekhith, in London, and its ordinances contain most of the usual provisions. It was founded in 1375 in the Church of St. James as a fraternity of good men, 'for the amendment of their lives and souls, and to nourish more love between the brethren and sisters of the brotherhood; and each of them had sworn on the book to perform the points underneath written at their power.' All were to be of good repute, and to pay 6s. 8d. on entry. There were to be wardens; a livery suit, paid for by each member, was to be worn; and a yearly feast was to be holden. The yearly contribution was two shillings, and there were to be four yearly meetings for business, to be attended by all, on pain of forfeiting a pound of wax—a much more creditable fine, it may be remarked, to whatever purpose applied, than the fines of drink prevalent in more recent times for non-attendance or other delinquency. Ill-behaved members were to be put out of the guild. All members were to attend the burial service of a deceased brother or sister, unless engaged in the king's service, or out of the country, on pain, as before, of forfeiting a pound of wax. In case of disputes, the matter was to be laid before the wardens, and the member refusing to obey their award was to be put out of the brotherhood, and the other litigant to be helped by the brotherhood against his 'rebel and unbuxom' adversary. Brethren of seven years' standing were to receive weekly help in age and sickness, or when in prison, to the extent of 13d. out of the common box. The value of this allowance may be estimated by the consideration that the yearly wages of an ordinary agricultural labourer, or town-servant (as fixed by the statute of Richard II., of the same Parliament which ordered the returns from the guilds) was only 6s. The price of barley is named also in the present returns at 20d. the quarter in Norfolk. Finally, new members must swear to keep the ordinances, and every brother chosen warden must serve under penalty of 40s.

In the Guild of St. Katherine, Aldersgate, London, each brother and sister on admittance was to kiss all present in token of love, charity, and fellowship. The weekly help is extended to assistance in cases of loss by fire or water. The quarterly payment to maintain the lights and alms of the brotherhood was

3*d.* ; a man and his wife paid double ; a single woman the same as a brother. The guild went to church together to St. Botolph's on St. Katherine's day, and on that day or the Sunday following met to choose officers. Death services were to be attended, to join in the 'dirige;' and any brother dying within ten miles of London was to be fetched home by the brethren; and poor members to be buried 'with the money in 'the common box.' Loans might be had also from the common box. Five round tapers of wax of the weight of 20 lbs. were to burn on high feast days in honour of God, of the Virgin Mary, of St. Katherine, and all saints, and to be used to light round the body of a dead brother, and in his funeral procession. Masses were to be said for deceased members at the charge of the guild. Their property consisted of a vestment, a chalice, and a mass-book, of the price of ten marks.

In the Guild of St. Fabian and Sebastian, Aldersgate, London, the young, if necessary, were to be helped to get work; their other ordinances closely resembling those of the Guild of St. Katherine. They had two vestments, a chalice, a missal, 13*s.* 4*d.* in gold and silver in their box, and a house in Aldersgate worth 4*l.* 13*s.* 4*d.* annually, less a quit rent of 13*s.*

In the guilds of Norwich the ecclesiastical element largely predominated. There are provisions for lights at altars, for requiems, and for special masses for the dead. The wardens of St. Botolph's Guild return that they have in hand 26*s.* 8*d.* for the maintenance of a light; while those of the Guild of St. George had 40*s.* for the support of a light and the making of an image of St. George, to which latter purpose all the surplus funds of the society were appropriated. In St. Katherine's Guild in Norwich, on the occasion of a death, the members were to come to 'dirige' and mass, and make offerings; 'and at 'the dirige every brother and sister that is lettered shall sing, 'for the soul of the dead, placebo and dirige, in the place 'where they shall come together; and every brother and sister 'that be nought lettered, shall sing for the soul of the dead, 'twenty times, the Pater Noster with Ave Maria; and of the 'chattel of the guild shall there be two candles of wax, of '16 lbs. weight, about the body of the dead.' The return from the fraternity of St. Christopher at Norwich sets out at length the prayer to be said at every meeting. It includes petitions for the Pope of Rome and his cardinals; for the Patriarch of Jerusalem, and for the recovery of the Holy Cross. Otherwise it much resembles the fine bidding prayer still in use before sermons in the universities, cathedrals, and some other places. It prays for all archbishops and bishops, and specially for our

bishop of Norwich; for our lord the king, for our lady the queen, and presently for dukes, earls, barons (there was then no marquis or viscount), and bachelors of the land, and then 'for all knights, squires, citizens, and burgesses, franklins, and 'all true tillers, and men of craft, widows, maidens, wives, and 'for all the commonalty and Christian people—for all true 'shipmen and true pilgrims;' thus praying for all sorts and conditions of men, and comprising in the name 'bachelor' all dignities below a baron and above a knight. Here also the wardens returned that they had in their keeping 20*s.* for the support of a light. The very short rules of the Barbers of Norwich relate only to the offering of torches and lights on Midsummer day, and to the burning of torches during high mass, for which they had 2*s.* in their box. The guild of the pelytyers or furriers of Norwich appears to have been one of more than ordinary importance, and their return commences by reciting the king's writ as proclaimed by the sheriff of Norwich. The ordinances open in the name of the Trinity, the Virgin Mary, St. William, and all saints, and then proceed with the regulations as to church services, and masses to be attended by the brethren. Weekly help to the extent of 13*d.* was to be extended to members fallen into trouble or disease, if not occasioned by their own folly. This amount, as already remarked, was a large one, in the money of the period, and affords proof that the members of the guilds must have belonged to the upper and well-to-do classes of society. The Tailors of Norwich sent their return indorsed that they were a fraternity established in honour of the Ascension of Our Lord; and deceased members of the Poor Men's Guild were to have thirty masses said for them, costing 30*d.*

The returns from some of the guilds among the seafaring people of Lynn in Norfolk indicate, by the regulations disclosed in them, a tendency to conviviality which required repression. The ale-chamber was not to be entered without leave of the officials, no jangling or noise was to be suffered in times of drinking, and no member was to stay in the guild-house after the alderman had left. In the Guild of St. John the Baptist, the alderman was to have for his fees in time of drinking, two gallons of ale; every steward a gallon, the clerk a pottle, and the dean a pottle. Nor were the absentees from the feast forgotten, for every brother or sister not able to attend by reason of sickness, was to be consoled with a pottle of ale. One of the most interesting guilds at Lynn was that of Young Scholars, whose original function was to maintain and keep an image of St. William, standing in a tabernacle, in the

Church of St. Margaret, with six tapers of wax burning on every festival day; and afterwards, as the return goes on to say, men seeing their devotion and having affection to the holy martyr St. William, asked the fraternity, giving of their free will, to maintain the image and light as long as their means lasted. Then followed the saying of masses for the souls of deceased members, and the other usual incidents of a guild. The return concludes by an innocent confession that all the goods of the guild had been spent, and with the youthful hope that more gifts would be made to them. Others of the Lynn guilds in returning the amount of their funds, add very submissively that the money is ready at the king's will. In the Guild of St. Thomas of Canterbury, held at Lynn, there was a very special ordinance as to the costume to be observed at feasts. No man was to come before the alderman and the brethren and sisters in time of drink, in a tabard or cloak, nor with bare legs or bare feet. Anyone making a noise was to do penance by holding the rod, or pay a fine. There was also a fine of one penny for falling asleep, and for not passing the bottle; and similar rules prevailed in many of the guilds at Lynn. The return from the Guild of the Holy Cross at Bishop's Lynn gives an early instance of the payment or allowance of what is now so well known by the name of 'promotion money,' in the modern process of the formation of a company. A certain John Clerke is released from the usual payments to the society; and another similar case occurs, as pointed out by Mr. Toulmin Smith, in one of the Cambridge guilds, where one John Cornwall was absolved from all payments that others are bound to make, in acknowledgment of the pains he had taken at the foundation of that guild. There are five returns in the Record Office from Wygnale (Wigenall), in the county of Norfolk, and three of them are filled with a description of the prayers to be used in guild-meetings. In the Guild of St. Peter the brethren were to go to church on their general day, each wearing a garland of oak leaves.

Leaving Norfolk for other counties, we find at York a guild of the Lord's Prayer, the history of which is curious enough. The return from it is in a Latin original, and commences in the following manner:—

'As to the beginning of the said guild, be it known that, once on a time, a play, setting forth the goodness of the Lord's Prayer, was played in the city of York; in which play all manner of vices and sins were held up to scorn, and the virtues were held up to praise. This play met with so much favour that many said: "Would that this play could

be kept up in this city, for the health of souls and for the comfort of the citizens and neighbours." Hence, the keeping up of that play in times to come, for the health and amendment of the souls as well of the upholders, as of the hearers of it, became the whole and sole cause of the beginning and fellowship of the brethren of this brotherhood. And so the main charge of the guild is, to keep up this play, to the glory of God, the maker of the said prayer, and for the holding up of sins and vices to scorn. And because those who remain in their sins are unable to call God their father, therefore the brethren of the guild are, first of all, bound to shun company and businesses that are unworthy, and to keep themselves in good and worthy businesses.'

Then follow the usual enactments for burial services, and for assistance to the brethren in case of robbery, fire, false imprisonment, or want; and for finding lights in the cathedral, and providing a table showing the meaning and the use of the Lord's Prayer, to be kept hanging against a pillar in the cathedral; and it proceeds:—

'Also they are bound, as often as the said play of the Lord's Prayer is played in the City of York, to ride with the players thereof through the chief streets of the City of York; and, the more becomingly to mark themselves while thus riding, they must all be clad in one suit. And to ensure good order during the said play, some of the brethren are bound to ride or to walk with the players until the play is wholly ended.'

This guild had no land, its only possessions were the play-properties, and a wooden chest to hold them.

At Beverley the guild of St. Elene was founded in honour of the discovery of the Holy Cross, and on their feast-day a fair youth, the fairest that could be found, was picked out, and clad as a queen to represent St. Helena. An old man was to go before the youth, carrying a cross, and another old man carrying a shovel, in token of the finding of the Holy Cross. The sisters of the guild were to follow two by two; then the brethren two by two, then the two stewards, and lastly the alderman:—

'And so, all fairly clad, they go in procession, with much music, to the Church of the Friars Minor of Beverley; and there, at the altar of St. Elene, solemn mass is celebrated, and every one of the guild makes offering of a penny. The mass ended, and all prayers said, they go home; and, after dinner, all the guild meet in a room within the hall of the guild; and there they eat bread and cheese, and drink as much ale as is good for them. Afterwards, they choose, by unanimous assent, out of the best men of the guild, an alderman and two stewards for the next year; and to these must be handed over all the goods of the guild. The alderman and stewards are bound to maintain two, three, or four bedridden poor folks while they live; and when these die, they must bury them, and choose others in their place, and in like manner main-

tain them. Three wax lights are kept burning every Sunday and feast-day, in honour of St. Elene; and at the morning mass of Christmas day, thirteen wax lights are burnt. There are services for the dead, and offerings. Any money in hand at the end of the year is spent in repairing the chapel of the guild, and in gifts to the poor.'

The Guild of St. Mary at Beverley were to present a pageant on the Feast of the Purification, when 'one of the guild shall be clad in comely fashion as a qucen, like to the glorious Virgin Mary, having what may seem a son in her arms; and two others shall be elad like to Joseph and Simeon; and two shall go as angels, carrying a candle-bearer, on which shall be twenty-four thick wax-lights.' And so they went in procession, each brother and sister also carrying a wax-light, two and two slowly pacing to the church, where the pageant Virgin offered her son to Simeon at the altar, and the sisters and brethren offered their wax-lights, together with a penny each, after which they were to go home with gladness, and then re-assemble to eat bread and cheese and drink ale, and choose officers for the ensuing year.

In the Guild of the Blessed Virgin Mary, at Hull, pilgrims to the Holy Land were exempt from their annual payment; just as members of a modern Pall Mall club, absent abroad, are excused their subscriptions.

Very few returns remain in the Record Office of those made by guilds of crafts under the separate writ addressed to them; and the existing returns do not disclose any ordinances, only giving copies of their charters. But examples of ordinances of craft-guilds have been discovered among the archives of the city of Exeter, and printed by the Early English Text Society, to which attention will presently be directed.

The Guild of St. Benedict, and others also, at Lincoln, had a kindly thought for the poor while the brotherhood was feasting. There were to be, on each day of the feast, three flagons, with prayers, and six tankards; and the tankards filled with ale were to be given to the poor who most needed it.

In the Guild of the Resurrection of our Lord, also at Lincoln, the description of the funeral rites to be observed is very full. A hearse was to be put about the body, with thirteen square wax-lights burning in four stands, at placebo, dirige, and mass; with four angels, and four banners of the Passion with a white border and scutcheons of the same powdered with gold. This return is on vellum, and possesses the peculiar interest that it appears not to have been written, but to have been impressed with letter stamps. If the suggestion to this effect, made by Mr. Toulmin Smith, could be verified, this

document would be of infinite value as a contribution towards the history of the art of printing. The Brotherhood of St. Michael on the Hill at Lincoln would seem to have been exceedingly anxious to maintain their independence as a society of 'common and middling folks;' and to have been very jealous of any interference by the local magnates. One of their ordinances is given to the effect that—

'Whereas this guild was founded by folks of common and middling rank, it is ordained that no one of the rank of mayor or bailiff shall become a brother of the guild, unless he is found to be of humble, good, and honest conversation, and is admitted by the choice and common assent of the bretheren and sisteren of the guild. And none such shall meddle in any matter, unless especially summoned; nor shall such a one take on himself any office in the guild. He shall, on his admission, be sworn before the bretheren and sisteren, to maintain and to keep the ordinances of the guild. And no one shall have any claim to office in this guild on account of the honour and dignity of his personal rank.'

The Fullers of Lincoln are given as an example of a mixed guild, partly a craft-guild, and partly social. There are prohibitory rules, like those of the modern trade-unions, tending to secure a higher standard of work for members of the guild, as well as exclusive employment and holidays:—

'None of the craft shall work (i.e. full cloth by treading it with the feet) in the trough; and none shall work at the wooden bar with a woman, unless with the wife of a master or her handmaid.

'None of them shall work after dinner on Saturdays, nor on any days which they ought to keep as festivals according to the law of the Church. If a stranger to the city comes in, he may, on giving a penny to the wax, work among the bretheren and sisteren, and his name shall be written in their roll.

'If any one wishes to learn the craft, no one shall teach it to him until he has given two-pence to the wax.'

Among the tailors, there was an ordinance well calculated to keep both masters and journeymen in obedience to the club, as well as to promote the proper termination of engagements:—

'If any master of the craft keeps any lad or sewer of another master for one day after he has well known that the lad wrongly left his master, and that they had not parted in a friendly and reasonable manner, he shall pay a stone of wax.'

The value of a pound of wax is elsewhere stated at 7*d.*, so that a fine of a stone of wax would have been a heavy one, amounting to 8*s.* 2*d.* of the money of that time. Another regulation that if any master employs a lad as a sewer, the sewer shall pay 6*d.*, or his master for him, is obviously intended for the protection of adult labour, and to prevent the lowering of wages.

A very good-natured spirit is seen in the ordinances of the Lincoln guilds, both of the city and country ; and in one of the more rustic societies, where the provisions for help from the guild meet the cases of the loss of a beast, or of damage by fire or theft, there is the following privilege of membership :—

‘ If any brother or any sister has a friend at his house, for love of whom he does not wish to go to the guild ; and if there is no retail tavern in the soke where he dwells ; he may send for a gallon of the best ale to the bailiff of the guild ; and the bailiff shall give it to him.’

But if the absent member was found to have had in fact no guest, but to have stayed at home for idleness, he was most deservedly fined in half a bushel of barley. In other places members might bring their friends as guests to the feasts of the guilds ; a custom in which we may perceive the rudiment of the modern hospitable invitation to the excellent dinners of our London city companies. The price of a guild dinner in 1494 was 2*d.* per head—for priest, man, or woman—as appears from the ordinances of the guild of St. Katherine at Stamford, preserved in the library of Gonville and Caius College at Cambridge, with the additional fact that absence was punished by a fine of a pound of wax (equal to 7*d.*), and paying besides for the uncaten dinner. These Stamford ordinances are furthermore peculiar in giving a sort of oath of fealty to be taken by new comers ; and in ordering the ringing of peals of bells on the feast-day after the prayers for the souls of the dead, for which the ringers were to be regaled with bread, cheese, and drink. The ‘ bull-running ’ at Stamford on St. Martin’s day (11th November), now abolished, was anciently and from time immemorial conducted by the guild of St. Martin, who by custom kept a bull to be hunted through the streets by dogs, and then sold. A custom, which, although ancient, was scarcely laudable, and the abolition of which can hardly be regretted by even the most ardent admirer of guilds, and of the times to which they belonged.

At Ludlow there was an old guild of the Palmers, founded in 1284, whose ordinances contain curious provisions for regulating funeral rites :—

‘ If any man wishes, as is common, to keep night-watches with the dead, this will be allowed, on the condition that he neither calls up ghosts, nor makes any mockeries of the body, or its good name, nor does any other scandal of the kind ; lest, by such scandals, the discipline of the church may be brought into contempt, and the Great Judge may be provoked to heavier vengeance, who ought rather, by reason of the sins of the people, to be asked for love and mercy. And never shall any woman, unless of the household of the dead, keep such a night-watch.’

Upon this very remarkable ordinance Mr. Toulmin Smith has observed in a note that it implies two things; first, that ghosts can be called up after death; and, secondly, that this may be hindered by the strength of human law. There can be no question that in and long before the fourteenth century, and for long after, it was a fixed and general belief, that the spirits of the dead could be evoked against their own will by the use of appropriate rites and ceremonies; and it is not surprising that this universal faith should be found influencing the rules of a guild. But it is equally clear that those who held this opinion would also be entitled to suppose that by forbidding the use of the necessary arts for raising the dead, they might be able to prevent the dead from being raised.

This guild of the Palmers at Ludlow was an old and important society, dating from the time of Edward I., and when reported upon by the Commissioners of Henry VIII., as set forth in the documents preserved in the Public Record Office, its wealth was considerable. Its yearly revenue was then 122*l.* 7*s.* 11*d.*, and it possessed 182 ounces of plate, parcel gilt and 'white.'

Passing over many other matters of interest, we come to the very curious ordinances of the guild of Tailors preserved in the archives of the Corporation of Exeter. A custom like that observed at Trinity College, Cambridge, and at other colleges, by which every nobleman and fellow-commoner (while those orders were recognised) made a present of plate to the society, was here in force, and each new member was to give a silver spoon, weighing an ounce, and made in the fashion. The oaths are set forth, as taken by the members and various officers of the guild, and many trade regulations. Examples are also given from the records of the guild of control exercised over the members, both masters and workmen, by the authorities of the society. There is an entry of a complaint by a customer of an alleged case of 'cabbaging,' when some of the cloth given to a craftsman to be made up, was said to be found wanting in the gown to be produced from 'iiij yerdes of brod cloth, blew,' for one Master Robert Rydon. But the guild found that there had been no waste, as was proved by the patterns of black paper kept in the common coffer of record; whereupon the complainant submitted himself to the fellowship. In another similar instance, there was a complaint 'that John Kartor rec^d iiij. yerdes of brod clothe, 'russet, to make a longe gowne to S^r John Walkyngton; 'apoun the whiche the sayde S^r John complayned to the 'Master and Wardons of lackyng of hys clothe.' Here the

master and wardens found that no cloth had been stolen, but that there had been wasted 'a quarter of brod cloth for lack of kounyng;' and they amerced the incompetent artist by making him pay eleven shillings for the cloth, which may be presumed to have been the whole value of it, as the gown was to be kept by him. The injured customer was less fortunate in another complaint of bad workmanship and deficient material, for he was referred to his remedy at common law, the culprit not being a brother of the guild. This society of tailors at Exeter was still in active existence as late as the reign of James II., when it received a charter from him.

It is clear that at Exeter, and also in other cities, the corporations were inclined to be as severe in upholding their own powers and privileges as the feudal lords were in the country districts; and that they viewed with extreme jealousy the independence of the local guilds. Among the ordinances of the Bakers of Exeter, is a provision that all 'dowers' (doughers or bakers) of the city and suburbs should grind at the city mills, and nowhere else; and it will be remembered that the compulsory grinding at the lord's mill was one of the most burdensome of the old territorial services. At Berwick upon Tweed, also, in the ordinances of the general guild of that town, it is forbidden to grind wheat or other grain in hand-mills. This general guild would answer to a modern municipal corporation, and its provisions are such as would now be contained in a local act of parliament, or in municipal bye-laws of the present day. Their date is of 1283, and it is worthy of remark, that the fines are payable in casks of wine, and not in money or in wax. A still better example of ancient local government is afforded by the old usages of Winchester, dating in the fourteenth century, and now printed for the first time from the original among the records of that city; or in the ordinances of Worcester under date of 1467, which supply a very complete code for the purpose. One section provides for the payment of the accustomed wages to the members of parliament for the city, within three months of their return home. In another part of the volume is set out a writ for levying upon a particular township in the shire of Northampton its share of the expenses of the county member, returned to the parliament holden at Cambridge in 1388,—a writ of whose existence Prynne is said to have been ignorant, and which he would no doubt have given his ears to know. It would have been well for him, and for more recent historical inquirers, if one of the guilds which we have not yet mentioned had been well maintained, and if it had enjoyed better

fortune during its existence. It deserves special notice on this occasion, and was a certain guild of the Kalenders, so called from meeting on the kalends of each month, established at Bristol, as a brotherhood of clergy and laymen to keep the ancient records and muniments, not only of the town, but also of other societies in other remote places of the kingdom. It seems, however, that their library and records were burned in the rood-loft of All Saints Church at some time previous to 1318, and no fresh collection was ever made.

We have now passed through an immense mass of valuable materials, perhaps with a step sometimes too light for their real importance; and rather with a view of calling to them the attention of inquirers into matters of historical and archæological interest, than of giving anything like a full account of the fresh stores of information now opened to them. The subscribers to the Early English Text Society have indeed been made shareholders in a mine of new and unsuspected wealth, some of whose treasures of virgin ore we have endeavoured to exhibit as specimens, and we trust we may have provoked sufficient curiosity to procure for it an abundance of workers and visitors.

It remains briefly to notice the independent essay on the history and development of guilds contributed to the volume by Dr. Lujo Brentano, and suggested by Mr. Furnivall, to whom this and many kindred subjects already owe so much. The first organisation of guilds is with every probability referred to a date as early as the eighth century, and the place of their birth was England. While they were extending, and were legally recognised among the Anglo-Saxons, they were discouraged and forbidden on the Continent by the authorities of both Church and State. The guilds were confederations of the weak for mutual protection, and as such found no favour in the eyes of emperors or feudal and municipal superiors. Self-consciousness and self-relying confidence were not to be tolerated politically, while there may have been reasons for ecclesiastical interference arising from the excesses and pagan customs which prevailed at the guild meetings. The social or religious fraternities, however, of the close of the Middle Ages flourished amazingly on the Continent, as well as in this country. We have seen the number in the English towns—twelve in Norwich and as many in Lynn; nine in Bishop's Lynn; while abroad there were eighty in Cologne, seventy at Lübeck, and more than a hundred at Hamburgh. Their origin was sometimes almost accidental. Towards the end of the fourteenth century, several merchants and shopmen of

Flensburg were drinking together, and after paying their score six shillings remained over, with which a candle was provided to burn on the altar of the Virgin Mary; and a guild was thus commenced which became, in time, of wealth and importance.

The town-guilds were also of very early date, and may be considered as the germ of the town constitutions, as well as of the more special craft and merchant guilds. We may judge of their power by what follows:—

‘The earliest notice of such a town-guild upon the Continent contains a noble instance of a daring fulfilment of the duties imposed upon the guild brothers. Magnus, the son of King Nicholas of Denmark, had slain the Duke Canute Lavard, the Alderman and protector of the Sleswig Guild. When King Nicholas, in 1130, came to Hetheby (that is Sleswig), his followers advised him (as an old Danish chronicle relates) not to enter the town, for the townsmen put in force the law with extreme severity within their guild, and did not suffer any one to remain unpunished who had killed or even injured one of their brethren. But the king despised the warning, saying, “What should I fear from these tanners and shoemakers?” Scarcely, however, had he entered the town, when the gates were closed, and at the sound of the guild bell the citizens mustered, seized upon the king, and killed him, with all who tried to defend him.’

Dr. Brentano points out how the introduction of the custom of giving a preference to the sons of members for admission to the guild, would in process of time disassociate the guild from the general body of citizens in a town, and would in fact lead to the formation of such close corporations as those which existed in most English towns for a long period previous to the passing of the Municipal Reform Act. The guild thus constituted remained as the ‘highest guild’ or ‘*summum convivium*,’ and became exclusive and oppressive, in its hold upon and exercise of all the civic offices. Craftsmen were originally members of the town-guilds, but were omitted as the burghers grew wealthy. Afterwards the craft-guilds proper arose in more or less of subordination to the chief guild or corporation, and continued to flourish until they grew themselves to be associations of persons possessing capital, and ceased to perform their original functions. Into the elaborate history of their successors the modern Trades’ Unions, and of English legislation in regulation and restraint of trade, as given by Dr. Brentano, we forbear to enter as being not altogether germane, although to some extent cognate with the contents of the rest of the volume, but we must fully acknowledge the interest and novelty of the matter brought forward by him.

- ART. III.—1. *Military Memoirs of Mr. George Thomas, who, by extraordinary talents and enterprise, rose from an obscure situation to the rank of a general in the service of the native Powers in the north-west of India.* By WILLIAM FRANCKLIN, Captain of Infantry, &c. &c. Calcutta: 1803.
2. *Military Memoir of Lieut.-Col. James Skinner, C.B., for many years a distinguished officer commanding a Corps of Irregular Cavalry in the service of the H. E. I. C.* By J. BAILLIE FRASER, Esq., Author of 'Travels in Khorassan, 'Mecopotamia, and Kourdistan,' &c. &c. London: 1851.

THE object of Colonel Malleson in his highly interesting and instructive 'History of the French in India' was to describe the fierce struggle for mastery in which the two great nations of Western Europe were engaged on the coast of Coromandel about the middle of the last century. He therefore closed his narrative with the capture of Pondicherry by the British forces under Coote in January 1761. The task which he had set himself was then finished, and it did not fall within the scope of his work to notice the soldiers of fortune (not all, indeed, French), who some twenty or thirty years afterwards entered into the service of the native princes in the north-west and centre of India, and taught them, for the first time, the value of disciplined infantry, supported by well-served artillery. For up to that period the Mahrattas, as well as the Rajpoots, placed their reliance almost solely upon the large bodies of cavalry which their system of government enabled them to bring into the field. It is our object to tell the tale how these men, or those among them who were masters of their craft, and who have been wittily called 'the small change of Clive,' taught the art of war to those whom they found trusting in numbers alone, and with no other requisite for conquest than a certain amount of personal valour.

Benoit de Boigne, a native of Savoy, was the first who possessed at once the discernment to see the advantages of this important change in the military system of the Mahrattas, and the influence necessary to bring it into practical operation. He had commenced his career as an officer in the Irish brigade in the service of France, from which he passed, after some years, into that of Russia, and was taken prisoner by the Turks at the siege of Tenedos. Hearing after his release from some Englishmen whom he met at Smyrna that there was a great opening for military adventure in India, he proceeded thither, arriving at Madras early in 1778; where he became an officer

in a regiment of the East India Company's native infantry. But conceiving himself to have been ill-used by Lord Macartney, then the Governor, in the matter of promotion, he threw up his commission and proceeded to Calcutta, being furnished with letters of introduction from the Governor (who would seem to have condoned his conduct in retiring from the service), to Warren Hastings, then the Governor-General of India.

After some vicissitudes of fortune, not very serious, in the north-western provinces, De Boigne determined upon entering the service of one of the native Powers in that quarter, then, as always, engaged in hostilities, and finally attached himself to Madhajee Sindhia, for whom he undertook to raise and discipline two battalions of infantry numbering 850 men in each. This object he accomplished within five months, and for three years after he joined the Mahratta army he did excellent service, and satisfied himself by experience of the soundness of his views in organising regiments of infantry upon the model of the Sepoys whom he had seen at Madras and Calcutta. But he shortly perceived that the body under his immediate command, although it seems to have always borne the brunt of the affairs in which it was engaged, was too small to prove of essential service in deciding the issue of pitched battles, where many thousands were arrayed on either side; and he consequently urged Sindhia to allow him to organise a much larger force on the same system. But that prince, though highly intelligent, was naturally strongly prejudiced in favour of the national arm, and declined at the time De Boigne's offer. He therefore retired to Lucknow, and entered into business as a merchant, in some sort of connexion with a man afterwards known as General Martine, in the service of the Newab Vizier, who built at Lucknow the palace of Constantia and founded by his will a noble charitable establishment for purposes of education in Calcutta, called the Martiniere. But Sindhia shortly thought better of his objections to De Boigne's project, recalled him to his service, and gave him authority, and for the first time ample pecuniary means, to raise a corps of 10,000 men, including his two original battalions, which important measure was promptly carried into execution.

From this time forth, till the day when he unwisely provoked the hostility of the British Government, the triumphs of Sindhia and his successor in the field, and the consequent acquisitions of dominion and power, were rapid and uninterrupted. De Boigne won for his master the bloody battles of Patun and Mairtha; after the former of which, fought on the 20th of June 1790, against the army of the Emperor, supported

by the Rajpoot princes of Jypore and Joudpore, one hundred guns, fifty elephants, two hundred standards, and all the baggage of the defeated army, fell into the hands of the conquerors. These great victories, which were the unquestionable results of the steady valour and discipline of De Boigne's regiments, so thoroughly satisfied Sindhia of the immeasurable superiority of regular troops, that he directed De Boigne to raise two more brigades upon the same model as the first, assigning for their maintenance territory yielding 220,000*l.* per annum. He also appointed De Boigne commander-in-chief in Hindostan. Subsequently, that general led his army against Holkar, who had taken advantage of Sindhia's absence at Poona to invade and ravage his territory. Holkar had on this occasion 'four regular battalions of foot, under the command of the Chevalier Duder-naig, a gallant French officer, and having succeeded in 'exploding thirteen of De Boigne's tumbrils at the commencement of the action, he was able to offer the most obstinate 'resistance that De Boigne ever experienced. Eventually, 'however, Duder-naig's four battalions were all but annihilated; 'their guns, thirty-eight in number, all taken, and almost all 'their European officers were killed.' This battle, which was fought near the village of Lukhairce in September 1792, appears to have been the last serious affair in which De Boigne was engaged.

In 1794 Madhajee Sindhia died, and was succeeded by his grand nephew, Dowlut Rao, greatly to whose dissatisfaction De Boigne, finding his health beginning to fail him, in consequence of his unceasing labours and anxieties, determined to retire in 1796. He was, beyond all comparison, the best soldier and the best man who rose to supreme command in the service of any of the Mahratta princes. His character was unstained by any act of treachery or cruelty. He appears to have been a man of undaunted resolution, and of that prompt decision in circumstances of imminent danger which is more rare and more valuable than merely animal courage. And he served the masters, who appear to have implicitly trusted him, zealously and loyally. But his character has been well and fully delineated by an officer who served under him for a long period.

'De Boigne is formed by nature to guide and to command. His school acquirements are not much above mediocrity; but he is a tolerable Latin scholar, and reads and writes and speaks French, Italian, Persian, Hindostanee, and English fluently. He is an attentive observer of the manners and dispositions of men, affable and good-humoured, but resolute and firm; he has entire command over his passions. . . . On the grand stage where he has acted a brilliant

and important part for these ten years, he is at once dreaded and idolised. Latterly, the very name of De Boigne conveyed more terror than the thunder of his cannon, a singular instance of which I will relate. Nujut Koolee Khan, in his last moments, advised his Begum to resist, in the fortress of Canonnd, the efforts of his enemies. "Resist them," he said; "but if De Boigne appears, yield." That this renown was not unfounded, may be gathered from the list of his victories at Agra, at Patun, at Mairtha, at Lukhairee, and many other fields of lesser importance: he never lost a battle. He will be long regretted in India. His justice was uncommon, and singularly well proportioned between severity and mildness; he possessed the art of gaining the confidence of both princes and subjects; active and persevering to a degree only to be conceived or believed by those who were spectators of his indefatigable labours, he continued at business of the most varied and important character from sunrise to midnight, and this without an European assistant—for he is diffident in placing his trust—and all this not for one day, but unremittingly for ten years. To this unceasing toil he sacrificed one of the most robust constitutions which ever nature formed. In person he is above six feet high, large-limbed, giant-boned, strong-featured, and with piercing eyes.

'He raised the power of Madhaje, Sindhia to a pitch that chief could never have expected or seriously hoped for; and fixed it on the basis of a powerful, well-disciplined, and well-paid army. . . . Dowlut Rao Sindhia now possesses the largest and best-disciplined troops that ever were under a native prince, in the European form; and he may defy, and has defied, the whole Mahratta empire. He has six regular brigades, besides detached battalions; they consist of thirty battalions of Sepoys, and ten of Nujeebs, of 700 men each; 2,000 regular cavalry, and 200 pieces of cannon; besides this, he has 100,000 Mahratta cavalry, and 2,000 irregular infantry. All other Europeans have failed in such attempts from want of funds for regular pay. De Boigne saw this error from the first, and prevailed on Sindhia to give over in *Jaidad*, Purgunnahs producing twenty lakhs, and these were increased to thirty lakhs, a year; and all these Purgunnahs were in the most thriving state from good management.

'One trait of De Boigne should not be passed over in silence. -It was his earnest aim to soften, in all ways, the horrors of war. Every officer and soldier, when wounded, received a present of a certain number of days' pay in proportion to the severity of his hurt, without any stoppage during the time of cure; and all disabled received a pension for life, besides an assignment in land, to which the relations of the killed succeed. No other native Power has ever done this.'

De Boigne's uniform success—for if once or twice repulsed, he never lost a battle—proves to demonstration the superiority of disciplined infantry, supported by guns, and well handled, even when armed with the very imperfect muskets of that period, over the largest bodies of the most gallant cavalry. In every one of De Boigne's encounters with the Rajpoots, they did all that the most determined horsemen could do to ride

down his battalions, charging up to the muzzles of his cannon, and cutting down his gunners. But he defeated them on every occasion with terrible slaughter, though they once succeeded in almost exterminating one of his brigades, not being stopped by the showers of grape-shot which were poured upon them, but spurring their horses on and over the bayonets of the infantry. One of these scenes is well described in Fraser's 'Military Memoir of Colonel Skinner.'

'On the other side, 10,000 Rhatore (Jondpore Rajpoots) came thundering furiously upon De Boigne, charging up to the very guns, and cutting down the artillerists, in spite of immense carnage made in their own ranks. But the steadiness of the regular troops prevailed; the Rhatores, broken and greatly thinned, gave way, and the battalions advanced in their turn.'

Of the battle of Mairtha Colonel Tod says in his 'Annals of Rajpootana'—

'Had there been a reserve at this moment, the day of Mairtha would have surpassed that of Tonga. But here the skill of De Boigne, and the discipline of his troops, were an overmatch for valour, unsustained by discipline and discretion. The Rhatore band had no infantry to secure their victory; the guns were wheeled round, the line was re-formed, and ready to receive them on their return. Fresh showers of shot and grape met their thinned ranks, and scarcely one of the four thousand left the field.'

De Boigne lived many years after his return to his native land in prosperity and honour. He had brought home a splendid fortune, and he spent it splendidly. The château which he built at Chamberri, and the gardens and plantations with which he adorned it, were equally magnificent. And 'honours,' says our authority, 'were not wanting. He received from his own sovereign, Victor Emanuel, the title and dignity of count, the rank of lieutenant-general, and the Grand Cross of the order of St. Maurice and St. Lazarus, besides the distinction of having his bust in marble, sculptured by the king's order, placed in the public library of Chamberri. Louis XVIII. of France emulated the example of the Count's sovereign; he created him *Maréchal de Camp*, and gave him the cross of St. Louis, and that of the Legion of Honour.' He married a French lady of rank, who has left a name in Parisian society, for M. Guizot has written a memoir of her; but this alliance was not a happy one, and they seldom lived together. De Boigne was to the full as munificent in his benevolence and endowments—to which, and the embellishment of his native city, he devoted more than 150,000*l.*—as he was splendid in his own establishment. He employed well the wealth which

he had honourably acquired, not only from the surplus revenues of the districts assigned to him for the maintenance of his troops, but also from the commercial transactions at Lucknow, for which he supplied the capital. He reached the good old age of eighty, dying on June 21, 1830.

His successor in India, M. Perron, was a man of a very different order. De Boigne was eminently simple and straightforward; Perron was addicted to intrigue. De Boigne was fair and even-handed in his dealings with all who served under him, whatever their nationality. Colonel Skinner gives a very different account of Perron's conduct. He says, 'It became his policy or his pleasure to give the preference in his choice of officers to his own countrymen over all others, and this to such an extent as not only to disgust the Mahrattas, but to excite the jealousy of the English and country-borns against them.' De Boigne was so well disposed towards the English that he made it an express stipulation, and that in writing, when he engaged with Sindhia, that he should not be required to serve against them. Perron was uniformly and bitterly hostile against our Government, being stimulated by his enmity and his pride to send an ambassador to Napoleon I. But it was natural perhaps that the Savoyard and the Frenchman should have differed in this respect, and De Boigne had more-over received personal kindness at the hands of our Governor-General.

The Rajah of Jypore, refusing to pay his stipulated tribute to the Mahrattas, a force was despatched to punish and coerce him. Perron did not command the army on this occasion, being absent in Hindostan, where his head-quarters were fixed, but Skinner, then a very young soldier, took part in the action, which he has described in very vivid language.

'The Rhatores, (he says), more than 10,000 in number, were seen approaching from a distance; the tramp of their immense and compact body rising like thunder above the roar of battle. They came on first at a hand-gallop, which increased in speed as they approached; the well-served guns of the brigade showered grape upon their dense mass, cutting down hundreds at each discharge; but this had no effect in arresting their progress; on they came, like a whirlwind, trampling on fifteen hundred of their own body, destroyed by the cannon of the brigade; neither the murderous volleys from the muskets, nor the serried hedge of bayonets could check or shake them; they poured like a torrent over the brigade' (that of Dudernaig, above alluded to), 'and rode it fairly down, leaving scarce a vestige of it remaining, as if the sheer weight of their mass had ground it to pieces. Then, as if they had but met with a slight obstacle, they looked not even behind them at the fallen, but went on unshaken, and still in their formidable

mass, to attack the cavalry in the second line. These (as Skinner says) ran like sheep, while the Rhatores pursued them, cutting them down for several miles.'

Skinner adds that Dudernaig 'escaped only by throwing 'himself among the dead;' and he relates that after returning, with their kettle-drums beating, from chasing the runaway Mahrattas off the field, they twice charged the unbroken brigades, several of them breaking into the squares, and being bayoneted there.

They were most gallant soldiers, these Rajpoots, and it is really grievous to think how, by want of union and by bad policy, they permitted themselves to be trampled upon, bullied, and plundered by the Mahrattas, a people inferior to them in every respect. They had their vices—they were immoderately addicted to opium; and, far worse than that, their pride of caste and fear of social degradation impelled them to lay upon the altar of the demon who presides over those passions a sacrifice as precious as those offered in days of old to Moloch,—they withdrew the gift of life from their infant daughters. The British Government has been engaged for many years in the struggle against this abominable crime, and have met with a large measure of success; and we may hope with confidence that when the chiefs of Rajpootana are more generally brought, as they have been partially of late, within the influence, not of English statesmen only, but of English wives and mothers, a custom so hateful will be effectually swept away.

About this period Perron was brought into contact, and eventually into collision, with a man perhaps the most remarkable, in some respects, of all who figured at that time upon the stage of North-Western India. George Thomas, a native of Ireland, was, it is probable, the humblest in birth, and the least favoured by education, of the many soldiers of fortune of the day. Coming to India as a quartermaster in a man-of-war, some say as a common sailor, in the year 1771, he left his ship—probably deserted—and entered into the service of the Polygars, petty native chieftains, the wild rulers of wild hills and jungles to the southward of Madras. After some years spent in that quarter, he plunged boldly into the vast tract of country that lay between him and the object which he had in view, and arriving in the course of time at Delhi, he was taken into the service of the Begum Somroo.

There is no record of the adventures through which he passed on this perilous journey. Those who know what India was at that epoch, how the country swarmed with armed men—some in bands of hundreds or thousands, some in the shaw

single or affiliated highwaymen (known as 'Cozaks'); how, in the words of the Song of Deborah, 'the highways were unoccupied, and the travellers walked through byeways'; how no one dared to live in a detached house, and every village was fortified:—will be able to estimate, in some measure, the difficulties and dangers of such an adventure. We know as little about the circumstances of his introduction to service in the north-west, as we do about his journey thither; and it is hardly less wonderful that a friendless European should have found congenial employment in that quarter, than that he should have lived to reach it. He remained for some years in the service of the Begum, fighting her battles successfully against the Sikhs and other assailants, until he was ousted by some other candidate for her favour, probably by Levasso, the person whom she unwisely took for her second husband. But he was too useful a man to be long out of employ. He was shortly retained by Appa Kandarow, an officer of Sindhia, was employed to reduce refractory Zemindars, and had licence given him to fight himself into possession of a fief for the support of the troops which he had been directed to enlist. Appa Kandarow is stated to have drowned himself in the river Jumna, under the pressure of a mortal disease; and from that time forth Thomas appears to have acknowledged no master. Overtures were made to him, more than once, to enter the service of Dowlut Rao Sindhia, and on one occasion Perron negotiated with him, whether sincerely or not, with that ostensible object, offering terms which would have tempted many men. But whether he distrusted Perron, or—as the event showed to be likely—because he had other and more ambitious views, he broke off the conference, and marched back to his fief. For Thomas was distinguished from the other adventurers then in the field not only by his humble origin, and by the bold step that he had taken in traversing unaccompanied, as far as we know, the whole length of India in quest of employment, but also by the singular boldness of his aspirations, inasmuch as he alone appears to have entertained the idea of establishing himself as an independent prince. He had obtained dominion by force of arms over a tract of country which apparently acknowledged no other ruler, and where every man did that which was right in his own eyes. This territory, or a part of it at least, had been ostensibly ceded to him by the Mahrattas, but, in fact, they pretended to grant what was not theirs to give, the inhabitants being virtually independent; and Thomas had to fight his way to supremacy against the formidable opposition of a very warlike population.

But let him tell his own tale :—

'Here (he says) I established my capital, rebuilt the walls of the city, long since fallen into decay, and repaired the fortifications. As it had been long deserted, at first I found difficulty in procuring inhabitants, but by degrees and gentle treatment, I selected between five and six thousand persons, to whom I allowed every lawful indulgence.

'I established a mint, and coined my own rupees, which I made current in my army and country, as from the commencement of my career at Jyghur I had resolved to establish an independency. I employed workmen and artificers of all kinds, and I now judged that nothing but force of arms could maintain me in my authority. I therefore increased their numbers, cast my own artillery, commenced making muskets, matchlocks, and powder, and, in short, made the best preparations for carrying on an offensive or defensive war, till at length having gained a capital and country, bordering on the Sikh territories, I wished to put myself in a capacity, when a favourable opportunity should offer, of attempting the conquest of the Punjab, and aspired to the honour of planting the BRITISH STANDARD on the banks of the Attock,' as he called the Indus.

Truly, it might be said of George Thomas, as King James of Scotland said of Johnny Armstrong, a hero of the border,

'What wants this knave
That a king should have?'

coining money, raising troops, casting guns, and levying contributions, with a degree of calm confidence that would have beseemed the mightiest of conquerors. But Thomas was not a knave in the ordinary sense of the term. He appears indeed, to have been a man of more than ordinary honesty. Like all soldiers of fortune, and like many soldiers not of that class, he was indifferent to the sacrifice of life which his ambition entailed upon those whom he defeated, but he was never wantonly cruel, and towards his own men he was eminently kind and considerate, settling pensions on the wounded, and on the widows and children of those who fell in action. War would be a more tolerable thing than it is, if all commanders of troops were as thoughtful and kind as George Thomas.

One fact is very remarkable—to which we shall have occasion to advert more at length in the sequel—not only in the record that we have of this man's strange career, but in all the narratives of that period, namely, the contemptuous light in which the military power of the Sikhs is invariably regarded. We all know what that power grew to at a later period, and the difference between the Sikh soldier as Thomas and Perron knew him, and as he faced the British army commanded by Lord Gough, can well be accounted for. Still that difference

was extreme, and a very useful moral for our own guidance may be drawn from it.

From the time when he formed the bold resolution to establish himself as an independent prince, down to the date of his final fall, George Thomas was engaged in incessant conflicts with every class of his neighbours, in every quarter of the compass—Rajpoots, Mahrattas, Jâts, and Sikhs. And until he was crushed by the greatly superior numbers of the forces which Perron brought against him, he appears to have been uniformly successful. How profitable the results of one of these raids was (for raids they were, though on a large scale, with horse and foot, and not a few guns), the following extract from Major Francklin's work, given in the words of Thomas himself, will evince:—

'Thus ended a campaign of seven months, in which I had been more successful than I could possibly have expected, when I first took the field with a force consisting of 5,000 men and 30 pieces of cannon. I lost in killed, wounded, and disabled, nearly one-third of my force; but the enemy lost 5,000 persons of all descriptions. I realised nearly 200,000 rupees, exclusive of the pay of my army, and was to receive an additional 100,000 for the hostages which were delivered up. I explored the country, formed alliances, and, in short, was *Dictator* in all the countries belonging to the Sikhs, to the southward of the river Sutlege.'

But besides payments of money, he imposed other onerous terms upon his enemies, compelling the Rajah of Puttialla first to raise the siege of the fort in which his sister had taken refuge, and then to restore her to her former position, and to pay a considerable penalty. And when he was finally brought to bay and compelled to surrender, he was able to stipulate that he should be escorted with honour by a battalion of regular Sepoys, commanded by an English officer, to the nearest cantonment of the British forces. From thence he proceeded to Benares, where he appears to have stayed for some months, and where he met his biographer, Captain Francklin, to whom he dictated those passages of the memoir which are manifestly, as they profess to be, the spontaneous productions of his own mind. Unhappily, after all his trials and perils, and after having faced death in numberless encounters, many of them hand to hand, he did not live to reach his native land, nor even Calcutta. He died and was buried at Berhampore, then a station of the British army. And if we can forgive him—what at that time, and under his circumstances, was rarely accounted a crime—that he shed blood, and that very largely, in the quarrels of others with which he had no concern, and that he

manifested occasionally very violent outbursts of temper, we shall still, to do justice, be obliged to admit that he displayed many and very striking traits of generosity and benevolence, that he was scrupulously true to all his engagements, that he never deserted or betrayed a friend or an ally, and that he possessed in an uncommon measure those noble qualities which secured to him the devoted attachment of all, of whatever race, who served under him.

One remarkable anecdote of the close of his career remains to be told. He was always devotedly loyal to the British Government, and the conclusion of his day-dream of conquering the Punjâb was always the annexation of that broad territory to the dominions of his Sovereign. On his way down the river to Benares he met the fleet of Lord Wellesley, then on his way to Lucknow. He was invited on board the boat of the Governor-General, who availed himself of the opportunity to obtain information, not only with regard to the amount of the forces that the Mahrattas could bring into the field, but also in respect to the geography of the wide provinces with which George Thomas was so well acquainted. The map of North-Western India was laid upon the table, and Thomas sweeping his broad palm over it from end to end, exclaimed, 'All this ought to be red,' the colour indicative of British dominion. And so it fell out, that after a very few short years, the restless ambition of Sindhia and his trust in Perron's battalions, provoking a collision, the fairest of those provinces became the legitimate spoils of war—for the Mahratta had but just wrested them from the Mogul—and were annexed to the British Empire.

In justice to M. Perron we turn back from this episode, in order to clear his character from what appears to us to be an unmerited reproach. That he was addicted to intrigue we have already admitted, and it is equally certain that he gave a partial preference to his own countrymen, as respects promotion and command, not only over their English comrades, but also over those of the Mahrattas, whose good services deserved distinction and reward. But he has been charged with being 'false to his salt,' and with deserting his master, who had heaped honours and emoluments upon him, at the crisis when he had rashly brought upon himself the hostility of the British Government. Now it is beyond doubt that Perron did not stand by Sindhia in his extremity as he might have done, as men like De Boigne and George Thomas would have done, if the conflict had been with any other than the British power. But when the matter is more closely examined, it will be seen

just cause of offence and alienation had latterly been given to Perron, and that the master who had ill-treated him, and would, if he had dared, have treated him still worse, even to the last extremity, had no right to count upon obtaining specially zealous services from him. The story of this breach in the relations between the prince and his general is well and graphically told by Colonel Skinner, who was an eyewitness of the scene, which illustrates so strikingly the climax of Mahratta intrigue.

Perron had been summoned by Sindhia to Ohjein, where that chieftain was encamped. Here he was very coolly received. He reached the camp on the 20th of March, and it was not till the 26th that he was invited to attend on the Maharajah, and was then kept waiting for two hours, 'while Sindhia was 'amusing himself by flying kites.' When Perron was admitted his audience lasted only half-an-hour, when 'Sindhia dismissed 'the durbar, and desired Perron to return to his camp, which 'he did, completely disgusted with the cold and slighting treatment he had received from his master. Eight days now 'passed without the slightest notice or message from Sindhia to 'Perron,' while he was warned by a friend, a Mahratta officer of the highest rank, to be on his guard, 'as the Maharajah 'had resolved to lay hold on him,' to place him in a confinement from which he probably would not have escaped with his life.

'Perron (Skinner proceeds), aware of the intrigues of his enemies, became depressed and perturbed; when at length matters seemed likely to be brought to a crisis. A day was appointed for holding a durbar, to which Perron and all his European officers were invited. At this durbar Sindhia, together with his father-in-law Surjee Rao Ghatkea, had formed a plot to lay hold of him, and had employed 500 Pathans, belonging to Bahadour Khan (a chief then at Malaghur), and several others of his own favourites—his companions in vice and debauchery—to carry this purpose into effect.

'Perron, however, was made aware of this plot, and ordered all the native officers of both brigades, as low as the rank of Jemadar, as well as all the European officers, to come fully armed to attend his visit to Sindhia. Our full uniform included a brace of pistols attached to our sword-belts, and these he directed us to bring loaded. We amounted in all to 300 native and 30 European officers; and in this state of preparation we marched to the durbar, a large tent pitched for the occasion.

'At the hour of nine in the morning, headed by Perron, we reached the tent. Sindhia rose to receive us, and we all presented our nuzzurs. We were then directed to sit down on the left side of the presence, the right being occupied by the Pathans, who regarded us very fiercely. When we were seated, Sindhia, turning to Perron, observed that the

invitation had only been extended to himself and his European officers; to which Perron replied, that in arranging his suite he had only followed the old rule laid down by himself and his uncle; and this answer silenced him. All this time we sat quiet, eyeing each other, whilst much whispering went on between Sindhia, Gopaul Rao, and Surjee Rao. I believe it was Gopaul Rao who persuaded him not to attempt any violence, for that not only himself, but the whole party would be cut to pieces by the fine body of men whom Perron had brought in.

'Sindhia then ordered the Pathans to retire, and they all got up, looking at us as if they would eat us, while our men sat laughing at them with the most perfect unconcern. When they were gone, Sindhia and Surjee Rao began to flatter, and endeavour to throw Perron off his guard; but he, assisted as he was by his old friend Gopaul Rao, was too old a soldier to be so cajoled; and so khiluts were ordered for us all, and after receiving them we presented our nuzzurs, which he graciously accepted. Betel was then handed round, and we received leave to retire.

'Perron then got up, and taking off his sword, laid it down at Sindhia's feet, saying that he had grown old in his service, and that it did not become him to be disgraced by dissolute knaves and bullies; that all he wanted was his discharge. Then, addressing us, he said that henceforth we must look to Sindhia, for that he, for his part, was too old now to brook affronts, and must retire. Sindhia, on this, rose and embraced Perron, telling him that he regarded him as his uncle, and that he had no idea what had offended him. Compliments without measure passed between both parties, but, on taking leave, Perron cautioned Sindhia to beware of Surjee Rao Ghatkea, for he would be his ruin—a caution in which all the old Mahratta chiefs joined cordially, and applauded the part which Perron had taken.

'At length we returned to camp, where several days were occupied in the transmission of messages to and from the Court, and in visits from chieftains who were sent to make matters up. But Perron was too indignant to be pacified.'

After so plain a manifestation as this of a malignant design upon his liberty at least, if not his life, it could not in reason be expected that Perron should retain any feelings of loyalty, not to speak of affection, for his treacherous master. Mr. Fraser, Skinner's biographer, says: 'Had Perron been honest and sincere, instead of a traitor as he was, the Mahrattas would have given much trouble to the English.' No doubt, Perron, if well affected, might have fought the battles of the Mahrattas with more skill, and perhaps with better success, than the inferior officers upon whom the command of his brigades devolved, but he must have been more or less than man if, after the provocation he had received, he could have placed his life at hazard in the service of so faithless a prince. At any rate, great allowance must, in justice, be made for a soldier, bound to his service by no ties of patriotism, who had

so narrowly escaped a snare deliberately set by his master for his ruin. And it would seem that Perron had actually been dismissed by Sindhia from the chief command before Lord Lake commenced hostilities. However this may be, Perron did not strike a single blow against the British forces, but took the earliest opportunity of slipping away from his brigades, and surrendering to the English. And most of the French officers lost no time in following his example. The English officers had previously been discharged by Perron, who replied to Skinner's remonstrances by crying in broken English, 'Ah no, 'Monsieur Skinner, I not trust, not trust; I 'fraid you all go. 'Goodbye Monsieur Skinner; no trust, no trust!' And so he rode off, Skinner sending an indignant execration after him. For Skinner was at that time wedded to the Mahratta service, and knowing nothing of the fighting quality of the English soldiers, he believed that the troops which he had so often led or seen led to victory, might again be triumphant. It was not till after much persuasion that he entered the British service, and then only on the condition—to which Lord Lake, to his honour, assented—that he should not be required to serve against Sindhia.

For a long time we despaired of obtaining any trustworthy information as to M. Perron's movements after he left India, but at the last moment, by the kindness of a friend, we were directed to a work in which we least expected to find any trace of him—*De Bourrienne's Memoirs*. That author was appointed minister at Hamburg in June 1805, and he notices the arrival of Perron—and by a second vessel, of M. Bourguien, another Indo-French general, who, as Perron's successor, fought the battle of Delhi against Lord Lake—at that port in September of the following year. Where they had spent the long intermediate period does not appear, but there was at that time, of course, no direct communication between British India and any part of France or of its dependencies, and it probably cost these officers much time and trouble to obtain the means of returning to their native land, even by a circuitous route. The bitter enmity stated to have existed between the two generals is easily accounted for. Bourguien, who had been left by Perron in command at Delhi, had got up an intrigue against that officer, 'asserting,' says Fraser, 'that 'Perron had turned traitor, and had gone over to the English; 'he invited the troops to make him their commander, and that 'he would lead them on to glory.' Not content with this, Bourguien wrote 'to the cavalry at Muttra informing them 'that Perron was a traitor, and enjoining them to seize him.'

This was provocation enough, and the more so because it was in some sense true, for Perron had certainly, at that time, made up his mind to surrender himself to Lord Lake, though not before he had been superseded in his command by Sindhia. Bourguien, on his part, cordially hated Perron on the ground of the maxim, placed on record for all lands and all time by Tacitus,—‘*Odi quem læseris.*’ De Bourrienne writes:—

‘Il n’est personne qui n’ait entendu parler du fameux général Perron, qui a joué un si grand rôle chez les Mahrattes et près du prince Scindia. Il y avait un peu plus d’un an que j’étais à Hambourg quand il y arriva. Il vint me demander un passeport, et j’eus avec lui les conversations les plus amusantes sur ses aventures vraiment extraordinaires. Il me dit qu’il avait possédé plus de cinquante millions, mais que pour pouvoir s’embarquer dans un port des Indes orientales, il avait été obligé de payer aux Anglais des sommes si considérables, que cela avait emporté plus des trois quarts de ses richesses. Plusieurs de ses malles étaient remplies de magnifiques cachemires. Il eut la bonté de m’en offrir.

‘Le général Perron était manchot. Il avait avec lui deux enfans, un garçon et une fille, nés d’une mère indienne, et dont la peau cuivrée rappelait leur origine maternelle. Le costume de ces enfans était si original qu’ils servaient pendant quelque temps de spectacle partout où ils allaient. Leur col et leurs bras étaient ceints de grands anneaux d’or pur, mais ce collier et ces bracelets ne ressemblaient point à ceux que portent les femmes d’Europe que l’on met et ôte à volonté; ils avaient été soudés sur place, et cela avec tant de perfection qu’il était presque impossible d’en distinguer la suture. Ces enfans ne savaient pas un mot de Français; leur père paraissait les aimer beaucoup, et les caressait sans cesse.

‘Quelques jours après l’arrivée du général Perron, arriva aussi du Bengale M. Bourguien, qui prit aussi un passeport pour la France. Il était en guerre ouverte avec M. Perron, qui m’avait aussi parlé de lui dans des termes pareils. Ils professaient un profond mépris l’un pour l’autre, et s’accusaient tous deux avec acharnement de la ruine des Mahrattes; mais tous deux avaient fait une immense fortune. Je ne sais pas ce qu’est devenu M. Bourguien; quant au général Perron, il vit retiré dans une terre magnifique qu’il a achetée dans les environs de Vendôme. Il s’est remarié, et a eu de ce second lit d’autres enfans, qu’il a parfaitement élevés. Une de ses filles, une ange, a épousé, il y a quelques années, un M. de la Rochefoucauld; mais peu de mois après cette union, la mort l’a enlevée aux adorations de tous ceux qui la connaissaient. J’ai connu son mari, sous-préfet à Sens.’ (Vol. vii. p. 183.)

Perron had lived long enough among the Mahrattas to acquire, in full perfection, one of the most inveterate habits of those ‘liars of the first magnitude.’ De Bourrienne evidently believed, as Perron would have had him, that the English, who had really received him with the utmost kindness and hospitality, had fleeced him of three-fourths of his wealth, bef-

they suffered him to leave India. When we remember that Lord Wellesley was then the Governor-General, and who they were who served under him, this fiction requires no other refutation.

The story of the adventurous career of James Skinner has been told well and in considerable detail by Mr. James Baillie Fraser, the author of the *Kuzzilbash*, a tale of Persian and Affghan life, very popular in its day, and of travels in those and other Oriental countries. Skinner, who was the son of a Scotch officer in the Company's service and of his Rajpootnee mistress, and who was wont to say that no man could be better bred for a soldier, did not rise to high command, like De Boigne and Perron, in the Mahratta service, for he was still young when he received, with other Englishmen, a very peremptory discharge from the latter general, who professed to distrust his British officers, though he himself altogether declined to stand to his colours. Skinner, indeed, seems never to have attained a higher position than the command of a battalion, in which, however, he did excellent service, and passed through many and great perils. On one occasion, in 1800, he barely escaped with his life. In concert with the Karowlee Rajah, he was opposed to the Ooncara chief; the rajah was a coward and his men traitors, so that Skinner was soon left to fight the battle with his own battalions alone, greatly outnumbered both by the horse and foot of the enemy. When the affair became desperate, he says:—

'Here I made a short speech to my men. I told them that we were trying to avoid a thing which none could escape—that was death—that come it would, and, as such was the case, it became us to meet it, and die like soldiers.'

The issue was soon decided:—

'I had got clear of the enemy's infantry, who had got a little sickened, and showed less disposition to chase, but the cavalry kept on charging, and my men giving up very fast. . . . I still had some 300 good soldiers and my gun left, but a party of horse pressed me so hard, that I moved out with 100 men and stopped them. But when I looked back, I found only ten had followed me, the rest had turned back, and joined the gun. As I was going to follow them, a horseman galloped up, matchlock in hand, and shot me through the groin. I fell, and became insensible immediately; and after my fall, the poor remains of my brave but unfortunate fellows met the same fate. I do not believe that 50 men out of the 1,000 escaped from the field untouched.

'It was about three o'clock in the afternoon when I fell, and I did not regain my senses till sunrise the next morning. When I came to myself, I soon remembered what had happened, for several other

wounded soldiers were lying near me. My pantaloons were the only rag that had been left me, and I crawled under a bush to shelter myself from the sun. Two men of my battalion crept near me, the one a Soobahdar, who had his leg shot off below the knee, the other, a Jemadar, had a spear wound through his body. We were now dying of thirst, but not a soul was to be seen, and in this state we remained the whole day, praying for death. But, alas! night came on, but neither death nor assistance. The moon was full and clear, and about midnight it was very cold. So dreadful did this night appear to me, that I swore, if I survived, to have nothing more to do with soldiering; the wounded on all sides crying out for water; the jackals tearing the dead, and coming nearer and nearer to see if we were ready for them. We only kept them off by throwing stones and making noises. Thus passed this long and horrible night.

Next morning we spied a man and an old woman, who came to us with a basket and a pot of water; and to every wounded man she gave a piece of joaree bread from the basket, and a drink from her water-pot. To us she gave the same, and I thanked Heaven and her. But the Soobahdar was a high-caste Rajpoot; and as this woman was a Chumar (or of the lowest caste), he would receive neither water nor bread from her. I tried to persuade him to take it, that he might live; but he said that, in our state, with but a few hours more to linger, what was a little more or less suffering to us—why should he give up his faith for such an object? No, he preferred to die unpolluted.

I asked the woman where she lived, and she gave me the name of her village, which was about two côs from Jouke, and a côs and a half from where we lay. About three in the afternoon, a chieftain of the Ooneara Rajah's, with 100 horsemen, and coolies and bildars (porters and pioneers), arrived on the ground, with orders to bury the dead, and to send the wounded into camp. The poor Soobahdar now got water, of which he was in the utmost need—indeed, nearly dead for want of it. When we were brought to camp, we found a large two-poled tent pitched, in which all the wounded of my battalion were collected, and, to the best of my recollection, they amounted now to 300 men. No sooner was I brought in, than they all called out, "Ah, here is our dear captain!" and some offered me bread, and some water, or what they had. The chieftain had wrapped me in a large chudder (sheet) when he took me up; and right glad was I to find so many of my brave fellows near me.

My wound was now dressed by the native doctors, and the ball taken out. They soon sent the Rajah word of my arrival, and he sent for me immediately. His tent was close by, and they carried me thither upon my charpan (low bedstead). The Rajah got up when I entered and made my salaam, and sending for a morah (stool), he sat down by me, asked my name, who I was, and what rank I held. I replied that I was a soldier, and now his prisoner. He then sent me back to my tent, saying that I required rest, and gave me much praise for my conduct in the day of battle.

No sooner had I reached my tent, than a Chobdar came, on the

Rajah's part, and presented me with 500 rupees, and a tray of cooked meats for dinner. Of the first I gave the Chobdar 100 rupees as a present; the other 400, with the victuals, I divided amongst my men. As for myself, the surgeon gave me a good dose of opium, which procured me a fine night's rest. Next morning, the Rajah pitched a small tent for me, and wanted to remove me from the men, but I begged he would permit me to stay with them; on which he came himself, and sat talking to me for an hour of different things, and sent me food from his own kitchen, and was kind and generous to all the wounded.

'We remained ten days with him in camp, after which he sent us all into his capital of Ooneara, where we were lodged in a large *pucka* house (that is, built of stone and lime). In a few days he followed, and visited us every day, and allowed me to write to Perron, stipulating for my letter being in Persian. We remained with him a month, when he sent us all to Bhurtpore, presenting me with a grand khilut, including a horse, a shield, and a sword; and giving ten rupees to each of the men, with more in proportion to the native officers. I am glad to say that my friend the Soobahdar was also fast recovering.'

Mr. Fraser adds a note:—

'The generous conduct of the Ooneara Rajah, one of the least of the Rajpoot princes, cannot fail of striking the reader, especially as contrasted with that of Holkar and some of the native chiefs: it breathes of, and illustrates, that generous and chivalrous spirit which of old was the boast and the attribute of the Rajpoot tribes.'

What hero of European chivalry, what Bayard or Sidney, could have shown more kindness and generosity to a fallen enemy? And our author does well to place the Mahratta Holkar in contrast with the Rajpoot chieftain. As regards the former race, from the beginning to the end of the volumes that we have consulted in writing this article, we have scarcely lit upon a single trait in the character or conduct of any Mahratta, high or low, indicative of a frank, noble, or unselfish spirit. They are all alike mean and treacherous, and they know that they have, and that they well deserve, the reputation which these words describe. Sir Arthur Wellesley was placed by circumstances, on one occasion, within the power of a Mahratta chieftain. 'Are you not afraid,' said the chief, 'to trust yourself with me?' As a matter of course Sir Arthur replied that he had the most unbounded confidence in the good faith and honour of his companion. 'Ah!' rejoined the chief, 'that's very well said, but after all we are but Mahrattas.' Assassinations, torturings, and brutal executions, crushing state prisoners' heads with mallets, trampling them to death under the feet of elephants, and the like, deface every page of their history from Sevajee downwards; and the Nana of Cawnpore was a true scion of the stock from which he sprang. Some

few of their women have been bright examples of a gentler and more humane spirit, but ninety-nine out of every hundred of the race over whose decadence pseudo-philanthropists shed tears worthy of Mr. Pecksniff, are men unworthy of trust, tricky and false in civil life, and when kept down by the strong hand of power; cruel and bloodthirsty when placed in positions enabling them to manifest their natural character without restraint.

The Rajpoots are men of a very different type. They only are the true aristocracy of India; they only have any real hold upon the affections of the general body of their subjects. In many places where the Mahrattas ruled, the people of their own race were very few. Sir John Malcolm wrote, at the beginning of the century, that there were not more Mahrattas within the dominions of the Rajah of Nagpore than there were Englishmen in Bengal. We believe that the relations of the two parties to each other remain, to the present day, pretty much the same, if, indeed, the great influx of Englishmen of late years into Bengal have not turned the scale of numbers in their favour. But there are some who maunder over the annexation of the province to the British dominions on the death of the last rajah without heirs, as if the affections of a loyal and devoted people had been outraged by the measure, as if the Mahrattas had held the territory for centuries, and as if the whole body of the inhabitants of Nagpore clung to their rulers of yesterday as fondly as the natives of Rajpootana reverence the rajahs whom they believe to be descended from the Sun.

Up to the time of the breaking out of the war between Sindhia and the British Government, Skinner continued in command of a Mahratta battalion, doing zealous and excellent service; and it would seem that his father being dead, he felt no such tie of allegiance to England as would have led him to dispense voluntarily with the military obligations that bound him to the master whose salt he had eaten for several years. He appears, indeed, from Mr. Fraser's account of his feelings, to have imbibed a strong prejudice against his father's countrymen and the British service; he endeavoured, as we have seen, to induce Perron to recall his discharge, and he refused to accept Lord Lake's offer of employment, except with the stipulation that he was not to be required to serve against Sindhia. To this condition Lord Lake generously and wisely assented, and from that moment Skinner attached himself to the service of the Company with that loyalty and devotion which eminently distinguished his character, until

having won the favour of every general under whom he served—Lord Lake, the Marquis of Hastings, Sir David Ochterlony, and Lord Combermere—he was rewarded by the commission of a lieutenant-colonel in the British service, and by the Star of a Commander of the Bath.* But it is beyond the scope of this article to follow him into his new career; and we shall close our notice of this gallant soldier by the relation of two anecdotes, in one of which he was personally an actor, and in the other only an eyewitness.

The Rajah of Jypore had refused to pay the stipulated tribute to Sindhia, and, as we have stated, an army was sent to coerce him. A battle ensued, in which, despite the desperate valour of the Rhatore cavalry, the disciplined infantry prevailed, and the Rajpoots were driven from the field. Skinner was sent forward with 300 cavalry to ascertain to what distance the flight had extended. He found the enemy's camp entirely deserted.

'My troopers (he says) dispersed to plunder, and I myself, with two of them, went on, and reached the Rajah's own bungalow, the most beautiful thing I ever saw, all covered with embroidery and crimson velvet. I entered, and saw nothing but gold and silver. In opening one of the Rajah's poojah (worship) baskets, I found two golden idols, with diamond eyes, which I immediately secured in my bosom. I found also several other trinkets, which I likewise took. . . In coming away I found a brass fish, with two chowrees hanging from it, like moustachios. It attracted my curiosity, and I tied it to my saddle. In my way back, I met numbers of Mahratta chieftains, going and coming, who all looked at me, and laughed as I passed, for what reason I could not then imagine.'

On his return to the camp Skinner was sent for, rather to his consternation, as he was alarmed for his idols and trinkets, and found the Mahratta commander-in-chief sitting under a large tree. As he was not told at first why he was wanted, he grew confused, and as they all laughed, he became still more embarrassed. At last, the general asked what it was he had hanging to his saddle, and Skinner replied:—

"A brass fish." "Will you give it me?" said he. "By all means,"

* Colonel Skinner left a large fortune and a numerous family by sundry wives and concubines, of whom he had at least fourteen. His domestic habits, and probably his creed, were Mahommedan rather than Christian. The Privy Council has recently had to decide on two occasions questions arising out of the descent of his property and the peculiar *status* and creed of his family. One of these cases is still pending, which is to determine whether his granddaughter, Miss Victoria Skinner, is to be brought up as a Mahommedan or as a Christian.

said I, "provided you will demand nothing more of me"—on which I loosed the fish and presented it to him. . . . He then explained to me that the fish I had given him was the actual *Mahi-Maratib* (literally "the fish of dignities"), or imperial ensign of honour bestowed by the King of Delhi upon the Rajah.

Skinner little knew what a highly valued prize he had carelessly carried off.

On the day when Lord Lake carried by a *coup de main* the strong fortress of Allyghur, blowing open the gate, and storming with the 76th Foot (a deed of which Mr. Marshman tells us General Wellesley remarked 'that he had often attempted to blow open a gate, but had never succeeded, and that he considered the capture of Allyghur one of the most extraordinary feats he had ever heard of'), Skinner was standing on the glacis, watching the storming party, in very depressed spirits, having lost his command in the Mahratta service, and not having, as yet, been received into that of the Company. He had been struck with admiration at the style in which the 76th forced their way into the fort, through narrow passages commanded by loop-holed walls (though with the loss of 217 in killed and wounded, of whom 17 were officers), and the actual conflict had at last ceased, when he saw a private soldier issue from the broken gate, evidently exhausted by fatigue, with his mouth (as we ourselves heard him describe it), 'black with biting his cartridges,' and staggering under the weight of a large bag of rupees, which he carried on his shoulder. As he slowly passed on towards the camp, he was assailed by two troopers of native cavalry in undress, who appeared determined to despoil him of his hard-earned booty. The soldier defended himself as well as he could, but tired out and enumbered by his burden, he was on the point of being overpowered, when he suddenly opened the mouth of the bag and poured out the rupees upon the ground. The spoilers instantly threw themselves upon the prey, which they began greedily to pick up. While they were thus absorbed, the soldier deliberately loaded his musket, shot one of his assailants, ran the other through the body with his bayonet, and then calmly proceeded to replace the rupees in the bag. We have heard Colonel Skinner—a veteran when we knew him—tell this story far more graphically than we have been able to retail it. He told it to Lord Lake at the time, who endeavoured to find out the man who had so successfully defended what had accrued to him by the right of war; but he evidently thought that in such a case the philosophy of Cor-

poral Nym—' *pauca verba* '—should govern his conduct, so he kept his own counsel and the rupees.

But although we had resolved not to follow Colonel Skinner's career after his entry into the British service, there is one passage which reflects so much honour upon him and on the gallant corps that he commanded, and which tells, indirectly, through what labours and fatigues Lord Lake led his army to victory, that we cannot forbear to quote it. Colonel Skinner says:—

'I reached that place (Coel) on the 27th, terminating a course of the severest service that any corps had ever gone through. In the chase after Holkar the army had gone 500 miles, in that after Meer Khan 700 miles; and mine was the only Hindoostanee corps during all that time that continued throughout the chase. It performed all the duties of the camp, and, to the best of my belief, was never less than eighteen hours out of the twenty-four on horseback. The hardships endured by my men, who were constantly out, were well known to the Commander and officers of the two detachments. On the smallest calculation, they underwent in these two chases full twice the labour and hardships endured by the regulars, and often in the chase after Meer Khan, when my men had the rear guard, have they picked up the European dragoons, who were knocked up on the march, and dismounting, put them on their own horses, and led them thus to camp, conduct which made them beloved by the dragoons; and notwithstanding this hard duty, they never murmured, nor were once accused of disobeying any order whatsoever; and never did they turn their backs before the enemy, though frequently opposed to far superior numbers. His Excellency's kindness towards the corps was great, and whenever service was to be performed, I was sure of being sent for, which was a matter of the greatest consolation and satisfaction to me, and gave me spirits to undergo my labour cheerfully, knowing that if anything were done, it would not fail of being acknowledged by his lordship. In these two campaigns, I had the satisfaction of receiving from his Excellency two swords and a pair of pistols, a circumstance which was regarded as a mark of great favour and approbation.'

We should have closed here that part of our retrospect which relates to the Mahrattas, but a sense of what is due to the British Government of India, unjustly impugned by an unworthy comparison, compels us to extend this branch of our subject a little farther. Looking at the condition of Northern, Western, and Central India from the date—to go no farther back—at which Madhaje Sindhia first entertained European officers in his service, to the conclusion of the campaign of Lord Hastings against the Mahrattas and their vile satellites the Pindarees, and taking that state of things as a type of native society under the rule of princes of average character, it is passing strange that a statesman so acute as Lord

Salisbury should have been led to harbour a doubt whether the British Government were really regarded by the great body of the native population as superior to the domination of rulers of their own race. It is true, no doubt, that the Government of the Moguls, under the best sovereigns of that nationality, was greatly superior to that of the Mahrattas, who seem to have regarded themselves as encamped for a season, rather than as rulers for all time, in the territories which they occupied and fed upon as locusts might feed. But the sceptre of the former had been irreparably broken; the whole country was a chaos, devastated by hostile armies; and it appears to human eyes absolutely certain that if the English had not interposed, the dominion of the Mahrattas would have been indefinitely perpetuated from the Bay of Bengal to the Himalayas, and the people ground to powder under their cruel sway. What that sway was, history is unable to tell without coining new words for the purpose. The 'wulsa' of a district was the exodus of the whole population from their homes, to take refuge with the wild beasts from the more merciless Mahrattas and Pindarees. Colonel Wilks tells us that the wulsa never went out before a British force, *if unaccompanied by native allies*. There were no hamlets, no detached houses, the villages (far apart) had each its walls and moat; and all the inhabitants within reach of fortified towns fled thither for refuge. When such a town was taken, the whole population was given up to plunder. The men were brutally tortured to extract their money, and the women were either ravished, killed by their husbands or fathers, or self-immolated to escape dishonour. It would seem to be impossible to exaggerate the atrocities committed and the miseries endured by the actors and sufferers respectively in these provinces and at that time. There are districts, severally attached to the presidency of Bombay and to the Central Provinces—Candeish and Nimar,—which have not, to this day, recovered from the desolation and depopulation inflicted on them by their ruthless invaders more than half a century ago. This is no figure of speech; it is a simple matter of fact. And this would have been the condition of all India if the British power had not been raised up as a barrier against the flood of rapine, lust, and bloodshed. For no one can pretend that native society possessed in itself any recuperative power. There was no hope that any individual or class would stand forward to stem the tide. The people thoroughly appreciated their own misery, and they designated the period as the 'era of troubles.' Time has doubtless rendered the recollection of those inexpressible horrors less vivid, but

still survive in traditions; and the people, even of the present day, well know the difference between the march through their country of an English and a Mahratta army, between an English collector and a Mahratta mamlutdar.

Lord Salisbury has clearly formed his notion of a native government from what he has heard or read of their condition at the present day. But that they are what they are is solely owing to the existence—all powerful to restrain—of the government which he depreciates. If that government did not exist, the Mahrattas would be at this day exacting unlimited 'ehout' (black-mail) from the Rajpoot States, if they had not already trampled them out of being; the same ubiquitous horsemen would have overrun and put under tribute the whole of Southern India; and the Sikhs would have occupied all the North-Western Provinces and Oude. The two dominant races would have then flown at each others' throats. Between two such millstones the subject peoples, of all races, would have been ground to powder. Our example and our power combined have made the native States what they are; and if the people are happier under Sindhia, Holkar, or the Nizam than they were under their predecessors a hundred years ago, their thanks are as justly due to the British Government, and to that Government only, as if they were the subjects of Queen Victoria.

We have stated that at the period of which we were treating the Sikhs were very lightly esteemed as soldiers. They appear to have been generally routed whenever they attempted to break into Hindostan, and George Thomas spoke with great confidence of marching, with his very moderate force, through the whole breadth of the Punjâb, and planting his standards on the banks of the Attock or Indus. In the volumes which we have consulted their soldierly qualities are never mentioned with any respect; and we well remember that Lord Metcalfe, whose escort had beaten back a violent assault which a body of them made on his camp, when he was sojourning at Lahore in 1808, as an ambassador to Runjeet Singh, expressed great surprise when he heard with how much vigour they had attacked the British forces under Lord Gough, and how hardly our victories over them had been won. He estimated Runjeet's whole force at only 12,000 men at the time of his mission, and as they were at that time wholly destitute of European training, he had formed a very mean opinion of their military qualifications. Nearly fifty years ago, in a news-letter received by the Resident at Delhi from Lahore, the writer recorded that Runjeet Singh had held a review of a large body of his cavalry, and had asked one of the European officers who had

recently entered his service, how many of those fine fellows would be able to ride over a regiment of English infantry? 'Not a hundred thousand of them,' was the candid answer. Unlike most Asiatic princes, Runjeet was wise enough to take this discouraging opinion in good part, and practically profited by it. He never to his dying day measured swords with a British force. His successors, or rather the headstrong and mutinous soldiery, whom they nominally commanded, were less sagacious. They crossed the Sutlej to march, as they persuaded themselves, upon Delhi, and hence, after an interval of some years, the almost entire destruction of Runjeet's fine army, and the annexation of the Punjâb.

But between the period when Runjeet sought information from what Lord Byron calls

'The wisdom of the cautious Frank,'

as to the relative power of his cavalry and of the British infantry, and the day when the Sikh army crossed the Sutlej, a great change for the better had been effected in the discipline and consequent efficiency of that army. Runjeet had raised large bodies of infantry, and they had been carefully drilled and instructed by European officers; and so successful had been the process that the forces which met Lords Gough and Hardinge on the hither bank of the Sutlej were, beyond all comparison, the most formidable enemy with which the British power had ever been brought into collision in India. A large train of artillery had been formed, of metal so heavy that our lighter field-pieces were quite unable to cope with them in any duel of that arm; and all our successes against them in the first Sikh campaign were consequently won, at a heavy sacrifice of life, by the brilliant courage of our troops of the line, who charged and captured their batteries. The Sikhs owed their beautiful guns, as well as the discipline that insured the steadiness and cohesion of the gallant infantry which supported them, entirely to the European officers whom the wise Runjeet had attached to his service. His principal generals were all French or Italian—MM. Allard, Ventura, Avitabile, and Court; and though they had all, we believe, wisely left the service and the country before the far-seeing policy of Runjeet had been discarded—fearing probably the unbridled license of the soldiers whom they commanded quite as much as the British forces—they left behind them a legacy of discipline and of what the French call *solidité*, which, though it puffed the Sikhs up with an extravagant notion of their own prowess, encouraged them to stand shoulder to shoulder in their fierce conflicts with the British infantry. Mr. Lepel Griffin has given a good

account of this transformation of the Sikh army from the rabble that fled before George Thomas and the Mahrattas in his very instructive work on the 'Rajahs of the Punjâb.' He says:—

'Under Maharajah Runjeet Singh, the Sikh army almost entirely changed. The cavalry ceased to be the chief part of the force, and the infantry became the favourite service. This was in part owing to the labours of some European officers whom the Maharajah took into his service, and who introduced the teaching which had become general in Europe, the value of infantry, as against cavalry, being everywhere acknowledged. Some of these officers, Allard, Ventura, Avitabile and Court, were men of considerable ability, and quite competent to perform all they promised in increasing the efficiency of the Lahore army. The infantry under their instruction became a most formidable body of troops, well-disciplined and steady, though slow in manœuvring. Their endurance was moreover very great, and a whole regiment would march thirty miles a day for many days together. The enlistment in the regular army during the great Maharajah's reign was entirely voluntary, but there was no difficulty in obtaining recruits, for the service was exceedingly popular.'

He goes on to say that 'the Sikh cavalry in the time of Runjeet Singh were, as a rule, miserably mounted and armed, and were more celebrated for taking to flight when attacked than for any display of valour.

'On foot, the Sikh is one of the bravest and most steady of soldiers, and, well-led, would probably hold his own against the best European troops. He is unhappy on horseback, and is surpassed by Affghans and Hindustanis, troops far inferior as infantry soldiers. In the time of Runjeet Singh, the infantry were the pick of the youth of the country; only the handsomest and strongest men were selected; while the cavalry were irregular troops, the contingents of the different sirdars, and not appointed for any considerations of bravery or strength. The horses were small, weak, and ill bred, and the accoutrements were of the roughest and coarsest kind.'

These horsemen and the Sikh infantry—such as they were before their French commanders taught them their business,—were the troops that Thomas calculated so confidently, and probably with so much reason, upon sweeping out of his way on his march to the Indus. What they afterwards became we experienced to our heavy loss in many a bloody encounter, as did the Affghans and still wilder inhabitants of the trans-Indus territory. By the aid of his disciplined infantry, Runjeet Singh wrested from the Mahommedans Peshawur and its dependencies up to the mouth of the Khyber Pass, and this slip of frontier has been attached, with the rest of the Punjâb, to the British Empire.

Of those whom we have named as the principal officers employed by Runjeet Singh to discipline his soldiers, we believe that Allard was the only gentleman by birth and education.

He had held a commission in the army of the first Napoleon, in which Ventura was a serjeant. These two had entered the Punjâb together, through Persia, but we do not know whether they had travelled in company the whole distance from Europe. It is stated that they were reduced to such extremities before they reached India, that they were compelled to earn their bread in Persia, or elsewhere on their way, by sweeping a mosque. For whatever reason, Allard never exercised any civil functions, but Ventura was for some time the administrator of the Rechaab Doab, having his headquarters at Vuzerabad on the Chenab river. We never heard either good or evil of him in his civil capacity. His widow, pleading destitution, applied for and received, a few years ago, a small pension from the Government of India. He died, we believe, in France. Allard never left the Punjâb, and was buried at Lahore, or in its immediate neighbourhood. Court seems to have been a mere drill-serjeant.


But Avitabile, the fourth man, a Neapolitan by birth, left his mark, in characters of blood, upon the district that he ruled. He had charge of the frontier, and resided at Peshawur, where he exercised full civil as well as military power. This trans-Indus territory had been conquered by the Sikhs from the Affghans; the population was mainly Mahommedan, and therefore impatient of infidel rule; and the mountaineers beyond the border were even more fierce and lawless than the inhabitants of Peshawur and its immediate neighbourhood—which it was not very easy to be. Life was held at a very cheap rate, and to rule such a population was a task of great danger as well as difficulty. By all accounts Avitabile was completely master of the situation. A very vivid picture of his character and administration is briefly sketched in a work of fiction, called ‘*The Adventures in the Punjâb*,’ written forty years ago, when he still governed the border Province, by the late deeply-lamented Sir Henry Lawrence. He says:—

‘The most lenient view that can be taken of General Avitabile is, to consider him as set in authority over savage animals—not as a ruler over reasonable beings—grinding down a race who bear the yoke with about as good a grace as a wild bull in a net, and who, catching their rulers for one moment asleep, would soon cease to be governed. But it is to his disgrace that he acts as a savage among savage men, instead of shewing them that a Christian can wield the iron sceptre without staining it by needless cruelty or personal vice; without following some of the worst fashions of his worst neighbours. General Avitabile has added summary hangings to the native catalogue of punishments, and not a bad one either, when properly used; but the ostentation of adding two or three to the string suspended from his gibbets, on special days and festivals, added to a very evident habitual

carelessness of life, leads one to fear that small pains are taken to distinguish between innocence and guilt; and that many a man, ignorant of the alleged crime, pays with his life the price of blood. For it is the General's system, when, as often happens, a Sikh, or any other of his own men, disappears at or near any village in the Peshawur territory, to fine that village, or to make it give up the murderer or murderess. The latter is the *cheapest* plan; a victim or victims are given up, and justice is satisfied.

'Still General Avitabile has many of the attributes of a good ruler; he is bold, active, and intelligent, seeing everything with his own eyes, up early and late; he has, at the expense of his own character for humanity, by the terrors of his name, *saved* much life. Believed to fear neither man nor devil, he keeps down, by grim fear, what nothing else *would* keep down, the unruly spirits around him, who, if let slip, would riot in carnage. His severity may therefore be extenuated as the least of two evils; but no such palliation can be offered for gross sensuality and indecency, tending to degrade the very name of Christian in the sight of, perhaps, the very worst specimens of God's creatures among whom he dwells. Avitabile's whole system of morals is oriental, avowedly eschewing force, when artifice can gain the point, and looking on subjects as made to be squeezed. In person he is tall and stout, with bushy beard, whiskers and moustache, marked with the small-pox, and with a coarse and unprepossessing countenance, exhibiting at times the worst passions of man, but again lighted up into even a pleasing expression; of no education, but with strong natural sense and ability, he has acquired a good knowledge of Persian and of the Panjabi dialect. Strangely influencing those around him, and influenced by them, his history is a curious study, and when his own generation has passed away, will hardly be believed.'

We were well aware, before we read this statement, that Avitabile ruled the Province with a rod of iron, and that he succeeded in cowing the wild tribes on both sides of the border by the promptitude of his measures of repression, and the unsparing severity with which he administered punishment. But we confess that all which we had heard of the unscrupulous and sanguinary character of the measures that he pursued to inspire terror falls far short of the truth as recently made known to us. We have now before us a photographed facsimile of a Persian sunud or grant issued by Avitabile in the following terms:—

'By the grace of  the Immortal Being.

Ameer ud  Dowlah Dilawar Jung

Chevalier General Avitabile, Sahib Bahadur.

'At this time, the villages of Kari-Chandari and Shanishu have been granted in Jāgir to Kumer-ud-deen Khan, leader of Mussulman Cavalry of Peshawur, from 1st Asin 1897, on the following condition of service:—That each year he cut off and bring before the Sahib Bahadur the heads of fifty Afridi men. The revenue of the said villages is to be enjoyed by him from the Kharif crop of the year stated for his maintenance, and everyone is strictly forbidden to interfere with his possession. This order is to be carried out. Whatever number of heads may, within the year, fall short of the prescribed number, a deduction of fifty rupees is to be made for each head by way of fine from the aforesaid individual. At his request, a grant of this Jāgir has been made in writing, with the two stipulations cited.

'Given at Peshawur on 4th Magh, 1897.'

No comment that we could offer upon this document could come up to its naked atrocity. We are not without misgivings, however, that the British Government has erred in the opposite extreme, by attempting to repress the outrages of tribes so fierce and reckless as those who ply their trade of rapine and bloodshed upon that wild border, by gentle means. In such a case, the stern and unsparing administration of retributive justice is the truest humanity.

To return to the state of things which we have briefly described—the feebleness of the Sikh forces at one period, and their extraordinary prowess at another, ought to convey an important moral for our reflection and guidance. In the case of the Sikh soldiery we see exhibited the two extremes of the utter want, and of a high degree of discipline. The men whom it cost Thomas and Perron so little trouble to defeat with troops of no very high quality, were every whit as personally brave as those who maintained such a desperate and for a long time almost equal conflict against English soldiers at Sobraon and Chillianwalla. There was but the one difference between the Sikhs of the two eras.

Yet the vast importance of this difference is altogether ignored by those who talk and write as if soldiers fit to cope with troops, whether English or native, led and disciplined by British officers, could be raised up on the spur of the moment, like the armed men who sprang of old from the dragon's teeth, to wrest from us the empire of India. They are well aware how essential discipline is to the efficiency of our own troops, but they seem to think that those troops might be defeated unless they were very strong in numbers, and our power thereby placed in jeopardy, by the wild tribes of the jungles, by Ryots from the plough-tail, or by the rabble of the great cities of India, converted into soldiers at the shortest possible notice. No doubt our army in India bears a very low numerical proportion to the population. No doubt there

peoples within its limits who at different times and under favourable circumstances, such as the drills of De Boigne and Perron, have been trained into fair soldiers. But we must bear in mind with whom they had to fight—men in some cases less brave, and in others with far less discipline, than themselves. Since Clive routed thousands at Plassy with the merest handful of good soldiers, down to the present day, the people of India, other than men trained (like the troops that faced Lord Lake at Laswaree, or those who gave Lord Gough so much trouble at Sobraon,) to rely each on his right and left hand comrades, to stand steady under fire, and to change their ground without breaking their ranks or falling into confusion, have never caused us the least serious anxiety. The history of the European adventurers in India demonstrates that even with their assistance the native forces have never been able to resist the firm ascendancy of the British Government, and without it they were altogether powerless. Yet circumstances were in those days much more favourable to the growth of independent military power among the native states. No such European adventurers, and no such armies as they once raised and commanded, could now arise in India; and the dangers which formerly threatened from that quarter may be said to have disappeared altogether.

ART. IV.—1. *A Treatise on the Game Laws of England and Wales.* By JOHN LOCKE, Esq., M.P., Q.C. 5th edition. London: 1866.

2. *Laws in Force in the Colonies as to Trespass and also as to the Preservation of Game.* Presented to both Houses of Parliament by command of Her Majesty. 1871.

3. *Reports from Her Majesty's Representatives Abroad on the Laws and Regulations relative to the Protection of Game and to Trespass (I. and II.).* Presented to both Houses of Parliament by command of Her Majesty. 1871.

4. *A Bill for the Abolition of the Game Laws.* 1870 and 1871.

THE traveller who takes a road leading from the little town of Alton, on the Guildford branch of the South-Western Railway, to a village called Liss, not far from Petersfield and on the direct Portsmouth, will pass through a pretty hamlet nestled under the northern face of a prominent chalk cliff or hanger. It has no remarkable features, except a clear perennial stream called the Well-head, and a vast old yew tree in

the churchyard. In that churchyard, however, lie the remains of a man who has made the village famous, and whose one small volume has had much to do towards bringing out one of our most distinguishing national characteristics, the love of natural scenery combined with that of natural history and sport. White's *Selborne* has been the delight of successive crops of school-boys for the last eighty years, and has, perhaps, by itself and by quotations from its pages, done more than any other book to stimulate amongst us those tendencies which form the civilised development of the hunting instinct. Dame Juliana Berners is now chiefly remembered by citations, like Max Müller's, illustrative of the history of language. Sir Roger de Coverley's pack of harriers is charming, although, after all, the '*Spectator*' only gives us an account of one day's sport. But the old naturalist; who could not be persuaded to change the home of his youth for the best living which Oriel had to bestow, delights us by the variety of his experience not less than by the pellucid clearness of his English.

This love of the country and of country pursuits for their own sakes often includes within it a love of sport also for its own sake, but we doubt much whether Mr. Rogers' gibe at English tastes, '*It's a fine morning, let's go and kill some-thing,*' often or ever gives a correct view of the case. Out of the 54,203 sportsmen who took out licences in the year 1869, we suspect that very few were inspired by the mere desire to slay; in most the love of fresh air and exercise, and as regards the Scottish contingent, the love of scenery, had much to do with the matter, and many would rather part with the grouse and black-cock than with the view of the hills where the grouse and black-cock dwell.

These feelings, to philosophers like the honourable Member for Leicester, are no doubt very contemptible; but, until Mr. Taylor succeeds in altering the inmost nature of his countrymen, these feelings will continue to bear sway. Nor are they confined to that aristocracy which he so cordially detests. The tired merchant, the overworked professional man, each enjoys them in various proportions during his autumnal holiday; and if all have not the same love of scenery, yet the beaters who scramble through our coverts, the shepherds and gillies who drive our hills, the very children who act as '*stops*' when the squire shoots his pheasants, join with their betters in various ways, but with much of the same keenness in their love of sport.

Still, this is but one side of the picture. A poacher in a condemned cell awaiting execution for the murder of a game-

keeper, a tenant-farmer ruined by game, even a poor lad in gaol for snaring a hare, are not satisfactory objects of contemplation; and it is anything but pleasant to think that what is sport to one class may be social or commercial ruin to another. Now in the year 1869, there were 10,345 persons convicted under the Game Laws in England and Wales, so that we cannot deny that a vast evil exists. Does it admit of any remedy short of that proposed by Mr. Taylor, the abolition of all game laws, bringing with it the partial or entire extirpation of game?

The question of the Game Laws labours under this disqualification for Parliamentary importance, that it has within it no element of a directly party kind. It is true that Mr. Taylor and the 'enraged' game abolitionists are mostly to be found on one side of the House; but then on the other side there is a growing feeling against rabbits which has extended itself to 'fur' in general, probably from a sort of dread among County Members that the Scotch example may be contagious, and English seats be sacrificed as Scotch seats have already been. Still, one finds all sorts of opinions on game, mingled with all sorts of opinions on party politics; and perhaps the prevalent feeling is that of those who say in the words of a formula so attractive to a careless legislator, that the question is a very difficult one—they look at it, and pass by on the other side.

One reason of this indifference probably is, that there are many points of view from which the question may be regarded, and that in general men only look at it from one point of view out of many. The game-preserved, landlord or landlord's nominee, feels that a good deal may be said against game-preserving and game laws; that the subject is an awkward one; that much popular prejudice exists on the subject, now for the most part dormant, but easily to be excited; and that for game-preservers to stir might possibly be detrimental to their interests, and would certainly be dangerous. The tenant-farmer, having the game, is the strictest and best game-preserved in existence, and gets the best rent if he lets it. If his landlord retains the game in his own hands, the question of game damages is always one which can be conveniently raised in plea of an abatement of rent; while in either case it is often not his interest to be clamorous, particularly in England where the great estates are usually held at rents far below the value of the land. The mere political economist or student of social science, looking at the preservation of game chiefly as a source of crime, feels the immense difficulty of attacking the present system simply

on social grounds, and the Home Secretary, oppressed with Hyde Park meetings, capital convictions, unsuccessful licensing bills, and 'that which cometh upon him daily,' the ease of parrying inconvenient questions by ingeniously devised answers, thinks that there is no need for him to do more than take the question into that which must surely form the very pavement of the Home Office—serious consideration.

So matters have gone on from year to year with this evil of petty poaching getting constantly worse and worse. For it must be remembered that it is not the outrages which increase so much as the petty larceny business—the small offences where a gamekeeper prosecutes and a poor country lad is the culprit. And yet these small offences are his first introduction to a gaol, thereby fixing him, in his own estimation and that of his fellows, in that criminal class, the retreat from which is as hard as the ascent from Virgil's Avernus, and as hopeless as escape from Dante's Hell.*

But although the question of the Game Laws is not a party question, there is perhaps as much strong feeling displayed, even on the side of enlightened abolitionists, as has ever distinguished the annals of any political conflict. Look, for example, at the spirit of Mr. Taylor's Bill for the abolition of the Game Laws. After referring to statutes enacted, as he says, for the protection of certain species of wild animals, he asserts that in consequence of such legislation the said wild animals have multiplied; that this increase is injurious to the farmer and to the consumer, and demoralises the people by tempting them to break the law; and he accordingly proposes to repeal all laws having to do with the preservation or sale of game.

The first recital in Mr. Taylor's preamble introduces a phrase of which the opponents of game-preservation are never weary,—the phrase *wild animal*. Now it must be remembered that the ancient law recognised beasts of forest—wolf, boar, red deer, and *hare*; beasts of chase—fallow-deer, fox, marten, and roe; beasts of park which are the same as beasts of chase; and beasts of warren, *hares*, conies, *roes*, partridge, quail, landrail, &c., pheasant, woodcock, &c., wild duck, heron, &c., but not grouse (Locke's Game Laws, Introduction, pp. 16, 23, 24, 29). But the *feræ naturæ* about which the Norman kings

* Convictions for trespassing in daytime in pursuit of game, 8,894; night-poaching, 521. Being out armed, taking game and assaulting gamekeepers, 83, of which 9 were in Cheshire and 8 in Derbyshire. (*Return as to Game Convictions in 1869.*)

took so vivid an interest were those larger creatures, now either extinct or not the object of poachers' wiles, and hares, rabbits, partridges, pheasants, blackgame, and grouse were either regarded as insignificant or as unapproachable. It is the invention of 'the art of shooting flying,' including as it does the 'art of shooting *running*,' which has given to our game animals their enhanced value, as it is in a great degree to extended cultivation that we have to ascribe their increased numbers. People forget that were it not for the 'stooks' in the Highlands, both grouse and blackgame would perish every winter in vast quantities; while as to partridges, though they live on insects and grubs during the summer, it is from the wheat and barley stubbles in autumn and winter that their principal sustenance is derived. Of pheasants it is unnecessary to speak, while hares and rabbits are so proverbially fond of turnips that this is the worst accusation they labour under.

The fact is, that the most important members of our game list are not 'wild animals' at all. They are all partially reclaimed and largely dependent on cultivation for their subsistence. Let us look at this more in detail. The modern practice of shooting in parties, otherwise called battue-shooting, has brought with it a custom not, we believe, known in those countries from which battues are imitated, the custom of rearing pheasants by hand. There are certain coverts, there are even great estates, in which pheasants are to be found in large numbers where this custom is not resorted to, but these are exceptional cases. Given a block of arable land with woods of sufficient size in the midst of it, and it is possible to obtain a large quantity of pheasants simply by 'sparing the hens.' In that case, the hen pheasants distribute themselves in the fields around, and bring up their young families undisturbed and with plenty of feeding ground. But when the principal coverts are not in the middle of the preserve, where they are not well surrounded by arable land, and especially where too large a stock of hen pheasants is left, it is the experience of gamekeepers that these hen pheasants desert their nests before hatching time, instinct, we presume, telling the parent bird that there is a deficiency in that insect food which is so necessary to the young poults. To meet this difficulty, the eggs are collected and put under barn-door fowls, who rear the young broods with great skill and success. We have known cases where, out of hundreds, hardly one has been lost. The gamekeeper or his wife tends the coops with the utmost regularity, the poults at that period of existence being almost tame, and running over the very boots of their friend and protector in

their eagerness to pick up the chopped egg and rice and other food, such as ants' eggs, which his liberal hand supplies. Do not let the uninitiated believe, as writers in newspapers generally do, that a coop-nurtured pheasant will not fly as well as one which has depended for rearing on its natural parent. They are just as strong on the wing when they come to maturity; the 'hot corner' requiring as much skill when the pheasants which rocket over the shooters' heads are brought up at a hen-coop as when they have no human care expended in their early nurture.

We may here observe that the pheasant is the only game bird which has been improved by the introduction of fresh varieties. The partridge of the arable counties is no longer the little brown bird which we still see upon the edge of moors in Scotland and the north of England, and which is said to survive in Norfolk; it is larger, plumper, and with more marked plumage. But the pheasant of 1871 is not the same species as the pheasant fifty years back. There have been several varieties introduced; the ring-necked pheasant, for example, is, we believe, quite recent, and accompanied by larger size and quicker growth. A small species of Japanese pheasant has recently found its way here, the cross between which and the common pheasant is a very fine bird, though the Asiatic ancestor is notably smaller than ours. Its flight also is different, lower and, if we might use the term, more sneaking, than that of the common species. What gamekeepers call the 'green-back' is, we believe, crossed from an Indian breed introduced by Mr. J. H. Gurney some years since.

But to return to our subject. Though pheasants are the only species of game artificially reared in any great numbers, partridges may also be regarded to a great extent in the light of half-reclaimed creatures.* It is true they do not, like cures and chickens, return to roost, nor are they fed by hand like pheasants. But they are nearly stationary, seldom moving many hundred yards from the spot where they were hatched, and feeding habitually on the same stubble and round the same stack. When the practice of what is called 'driving' partridges was introduced some years since, many experienced gamekeepers looked upon that practice with feelings akin to despair. They said it would 'drive all the birds off the ground.' We can appeal to our readers' experience whether this has been the case or not. It is true that when partridges have been often

* Partridges are of course sometimes hatched under hens, though comparatively seldom; they are much less easy to rear than pheasants.

driven in the same direction, they will mount up to an extraordinary height and fly to a great distance, perhaps out of sight.* But this is naturally to be ascribed to previous disagreeable experience of certain hedges, and the very fact that they so change their manner of flight shows their acquaintance with the ground as well as their recollection of the results of lower flights on other occasions. If the birds were not the same, there is no reason why they should day by day show increasing timidity. Moreover, it is to be remembered that for a great part of their sustenance partridges are directly dependent on cultivation. As a rule, the eastern counties of England are highest in average of acres under corn, and they are also the partridge counties *par excellence*. In fact, barley, young clover, and partridges go together, and other things being equal, where there is most corn, there are partridges to be found in the greatest number. And that they have largely increased can admit of no doubt. Gilbert White talks of parties of sportsmen who killed twenty and thirty brace a day as unreasonable, and the amount of game which rendered such a slaughter possible he evidently regarded as quite unusual. It was in fact confined to one spot, the edge of Woolmer Forest, and to two exceptionally dry seasons, 1740 and 1741.

Our ancestors showed a perception of the truth when they included the hare in common with much nobler creatures—boars, wolves, and red-deer—in the list of beasts of forest. Hares are in fact the wildest and least reclaimed of all our game animals. And yet they may call the poet Cowper to witness that they are tameable, and though examples of timidity, as a rule they never flee far. The fact that hares usually run in a ring when hunted shows that they are acquainted with but a very limited extent of ground. It is only when a hare is pressed out of country she knows that she runs like a fox, straight away from her pursuers.

Of all game animals, the rabbit has probably the least claim to be regarded as wild. He is essentially a 'beast of warren,' and when actually so, loses his character as game, and is considered as property. To rob a warren at night is a misdemeanour just as much as to steal the tame variety of rabbit from a hutch, and is punishable under the 24 and 25 Vict. c. 96, an Act relating to larceny and other similar offences. Of all game animals he is the most prolific, the most injurious to crops, and consequently the most unpopular. If his hand is against every farmer, every farmer's hand is against him. There are circum-

* This does not apply to the French or red-legged variety.

stances, however, under which he may be preserved, and that to a great extent, without doing appreciable damage. And there are many spots, and even tracts of land, where he is the only possible produce. But on heavy land, it is not what he eats or what he damages in the matter of crops generally, of which the farmer complains, but the great injury he does by stopping up land ditches and thereby destroying drainage. It is however to be remarked, that whatever his demerits, he is so popular an article of food that, in spite of an enormous importation from Ostend, his price has doubled in the last twenty years, while that of other descriptions of game has remained nearly stationary.* There is no other description of game of which enough is imported to affect prices; rabbits alone are sent here in large numbers, but curiously enough, *with* foreign import, rabbits become dearer; *without* foreign import, moor-game, hares, partridges, and pheasants remain at nearly the same price.

We think we have said enough to prove that the term 'wild animal' is not very appropriate to those kinds of game which constitute the staple of English preserves. If, like woodcocks and snipes, they came in a night and went away in a night, uncertain in their arrival, uncertain in their stay, uncertain in their departure, there might be good reason to call them wild. But when they are hatched in our coops, domiciled in our fields, feeding in our sight, eating the pinks in our gardens, and hopping past our windows, it is too much to call them wild, except in the sense in which poultry and farm animals are wild; that is, if you try to catch them they will run or fly away from you. One distinction between the two classes of creatures is this, that of game properly so called, excluding rabbits, there is no tame variety, while poultry and farm animals, even sheep, have somewhere or other a wild representative. Another, perhaps the cardinal distinction, is, that among game animals there is no difference in fur or plumage between different individuals of the same species; and this, of course, it is which, by destroying the power of identification, weakens the idea of property as applied to game.

Some sentences back we referred to the price of rabbits, and this leads us to say a few words on the value of game as food for the people. Unfortunately there are no means of ascertaining the amount of game annually consumed in the United

* We have, however, the opinion of an eminent salesman in Leadenhall Market, that while all other descriptions of game have vastly increased, the supply of English rabbits has decreased.

Kingdom, at least by direct statistics, but there are some indirect methods of approaching at the truth.

The number of game certificates taken out annually may be put at 50,000.* If each of these sportsmen shoots on twenty days, that is less than once a week during the season, and kills ten head each day, we shall have as the result a total bag of 200 each, which, multiplied by 50,000, gives ten million head of game of some sort or other, exclusive of rabbits. Taking partridges at 16 ounces each, grouse at 24, pheasants at 32, and hares at 64 ounces, and assuming an equal number to be killed of each kind, which from some returns we have received we believe to be nearly accurate, we get an average weight of 2 lbs. This gives 20 million pounds weight of meat, all consumed in the winter half of the year. To this may safely be added half as much more for rabbits, native and imported, and for deer, giving roundly 14,000 tons added to the meat supply of the country, or, expressed in mutton, an equivalent to some 400,000 sheep. Try these figures by another calculation. There are about 5,000 gamekeepers in the United Kingdom. If we take 1,000 head as the average amount of game killed under the charge of each man, we shall get a total of 5 millions. And assuming a like quantity killed by farmers, poachers, and others, without the superintending care of a gamekeeper, we shall still get 10 million head of game, exclusive of rabbits and deer, as the annual result of the labours of the British sportsman.† There can, we think, be no doubt that such enormous quantities have an appreciable effect on the price of beef and mutton during the winter season.

There is another question to which the preamble of Mr. Taylor's Bill refers—the demoralisation of the people, tempted by the existence of game to break the law. This is a new version of Proudhon's celebrated maxim, '*La Propriété c'est le Vol.*' No doubt all property, and particularly all exposed property, is a temptation to the dishonest. Sheep on a Highland mountain are a temptation to our needier fellow-countrymen,—do away with sheep. I covet an umbrella in my

* The Commissioners of Inland Revenue in their Report of 1870. vol. i. p. 66, express themselves thus:—'We regret to say that the evasion of this duty (game licences) is very general, even among those who, from their station in life, should be the first to discountenance such a violation of the law.'

† The North-Western Railway alone is said on good authority to have carried to London 2,000 boxes of game each day for the first week of this season, August 12–19, *as presents*, besides 200 larger boxes to the markets.

neighbour's hall,—let him not carry an umbrella. Pockets containing handkerchiefs are liable to be picked,—do away with pockets, nay, with handkerchiefs. Charles Buller is reported to have said, with reference to poaching, that we have no right to hang silver spoons on trees, and then prosecute those who take them. But if silver spoons *grew* on certain trees, surely Charles Buller would not have thought it necessary in the interests of public morality to cut down the grove which bore such Sibylline fruitage. Moreover, the 'silver spoons' which a poacher is in search of have sharp ears and active instincts, do their best to conceal themselves, and in the most marvellous way avoid notice. All poaching, to be successful, involves a considerable amount of labour and study, knowledge of the habits of animals, and keen observing powers; so that the analogy is very imperfect, and the argument drawn from it correspondingly feeble. In fact almost all the strength it possesses is derived from the state of the law. We tell the poacher that the 'silver spoons' belong to no man, but that anyone caught trespassing in pursuit of them shall be punished, not for the taking, actual or attempted, but for the trespass; not for appropriating what belongs to another, but for doing an act which may prevent some one else from appropriating it in a certain way; that is, for spoiling the sport of the privileged sportsman.

There have been some interesting reports presented to Parliament, from our diplomatic agents and colonial authorities, as to the state of the law of game and trespass in foreign countries and in our Colonies. But the relation between landlord and tenant abroad is so different from that which exists at home, there are so many small proprietors, and so limited a class resembling our large tenant-farmers, that it does not appear easy to derive any practical lessons from the usages of foreign countries. It is, however, noticeable that in several of our Colonial possessions very stringent Acts have been enacted for the preservation both of native and of imported game, while in some instances, like that of Bermuda, the law protects creatures not usually regarded as game, and provides for the extirpation of others. We may also observe that in some of our Colonies a strict law of trespass is in force, affecting not men only but animals. For example, in Prince Edward Island there is a provision for 'taking up' any boar pig found at large, a species of arrest not known in the mother country; while in New South Wales any owner of a wandering pig pays two shillings fine for every trespass, the owner of a sheep paying only one penny. The motives, however, to

which most of these enactments owe their existence are so different from those which have led to our Game Laws, that we can hardly compare the practice of the Colonies with our own. It remains, then, for us to consider some other proposals for the amendment of those laws, and to urge a few practical conclusions upon the attention of our readers.

The general election of 1868 was remarkable on the northern side of the Tweed for the strong feeling expressed on two questions—the Law of Hypothec and the Game Laws. On both these questions this feeling was expressed by the same body of men, the tenant-farmers of Scotland. Its results were most apparent. In almost every county election these questions were paramount, in several they were decisive. In Perthshire for instance, at the last moment, in the face of a phalanx of landowners, a stranger who had not even the advantage of being a Scotchman, offered himself to the constituency, and this in opposition to a man who had long represented the county, and who was known as a literary celebrity and a resident landowner. The odds were all in favour of Sir William Stirling Maxwell, but his opponent was returned by a majority of nearly 200. It is natural, therefore, that attempts should be made by Scotch Members to make some alteration in a law the unpopularity of which is so manifest. Accordingly, we find in the last two Sessions no less than three Game Bills proceeding from Scotch sources, together with one bearing the name of the Lord Advocate as well as of the Home Secretary, and apparently intended to assimilate in some respects the law of Scotland to that of England.

We do not propose to go minutely into the provisions of these bills, but we may observe that they all show the feeling of their authors to be directed mainly, if not exclusively, against four-footed game.* This we believe to be the case generally in the country at large. In one of these bills, however—that of Mr. Loch—there is a provision introduced, against the principle involved in which we feel bound to make the very strongest protest. This provision is, that no verbal or written agreement shall be binding between landlord and tenant which proposes to divest the tenant of his power to kill hares and rabbits on his farm. In other words, it abolishes free contract between landlord and tenant, assuming, of course, that the tenant is so far from being a free agent as to require this

* In Scotland the only bird of bad name for destructive propensities is the wood-pigeon, not a bird of game at all.

extraordinary protection. Be it remembered that this interference of the law is to act in such a way as to affect the landlord only. The tenant would still be able to enter into any contract with a third person to preserve hares or rabbits, a contract binding upon the tenant just as if this proposed law had never passed; so that he could make use of the law to let the right of sport *quà* hares and rabbits to any person in the world except the person who would naturally care for it most, the owner of the soil. And this power would make the law inoperative, for the landlord would, of course, take care when letting his land to A to see that A let the right of killing hares and rabbits to B, who would let it back again to the landlord, thereby binding the tenant not to kill hares and rabbits as effectually as if the law had never existed. But, although there would be a means of driving the usual coach and six through this clause, still the principle involved in it is not the less most objectionable. There may be cases, like that of Irish land tenure, where a strong political necessity exists for interferences such as those sanctioned in 1870. No one, however, can urge any similar necessity in this case; and surely the present moment when tenant-farmers have shown their independence more forcibly than at any past time; when, on this very question of the Game Laws, they have fought and won county contests in a manner wholly unprecedented; when landlords are year by year showing a greater desire to yield to the expressed, if reasonable, desires of their tenants;—the present moment, we say, is of all moments to choose for the assertion of such a principle the most inopportune and inexpedient. When the one side is growing year by year stronger, and the other side year by year more reasonable, it cannot be necessary to interfere for the benefit of the stronger side in a way not asked for when the reciprocal relations were very different—tenants weaker and landlords more arbitrary.

We trust, then, that no enactment containing a clause of this nature will ever become law. Our Scotch farmers and graziers are men of such shrewd intelligence that we cannot help suspecting that some at least among them have become alive to what we believe to be a fact, that the amount of game now sent into the market has a sensible effect on the price of butcher's meat.* But we can hardly imagine that they would humble themselves so far as to clamour for a provision which, if it became operative, would proclaim to the world that

* Our Leadenhall informant expresses an opinion that the amount has increased twenty-fold in the last thirty years.

they were the only farm tenants, out of Ireland, incapable of making a bargain without the special protection of a most arbitrary law.

The proposal, common to two other bills,* that hares and rabbits should be expunged from the game list, deserves more attention. It has the advantage of meeting the wishes of many landlords and of many tenants. It is directed against two kinds of game about which it is most certain that they do hardly any good, while in many cases they do much harm. Pheasants and partridges are, at all events, partially insectivorous, but no one ever yet saw a hare eating a wire-worm. At the same time we must remember that there is practically no law of trespass in this country, except as connected with damage to property or with pursuit of game. Expunge hares and rabbits from the list of game and you make it proportionably more difficult to preserve partridges and pheasants. There is one very destructive kind of poaching of which little account is taken, but which we are sorry to say many game-preservers encourage—the taking of eggs. It requires neither gun nor snares, so that the egg-poacher has the advantage, if scarched, of being able to appeal to empty pockets. If hares and rabbits are no longer game, the egg-poacher will fill his pockets with snares, and allege that hares, or at least leverets and rabbits, are the objects of his search.† And generally it will afford opportunities and excuses for trespass very much adding to the annoyances of occupiers and the labours of game-keepers. So far as the latter class is concerned, it will be said this is all as it should be, but if game-preservation is to be abolished, let it be by direct and not by indirect methods.

The Game Bill of the two Home Secretaries of Scotland and England appears to have had for its object the assimilation of the law of Scotland to that of England in one particular. In England, where there is no express reservation by the lessor, the right of sporting devolves upon the lessee. In Scotland it is the reverse. The Lord Advocate, no doubt, dreaded the outcry which Scotch landlords would have raised if he had followed the English law to the extreme. He therefore proposed, in default of any agreement to the contrary, to hand over the

* Sir Selwin Ibbetson's and Mr. M'Lagan's.

† We have often been amused with that '*brutum fulmen*,' generally painted in large letters and nailed high on a tree, TRESPASSERS PUNISHED WITH THE UTMOST RIGOUR OF THE LAW, the utmost rigour being that the occupier may '*molliter manus imponere*,' and conduct the trespasser to the limits of the domain. If the words 'in search of game' qualify the notice, as they usually do *not*, the case is of course very different.

sole right to kill hares and rabbits to the tenant, leaving all other game rights to the landlord. The bill also contained clauses on the subject of compensation for damage done by game.

There is one remark which applies to all these proposals; come from whatever quarter they may, and it is this, that in no one of them is the least notice taken of that which we consider far the most important—the criminal side of the question. It is all very well to make things easy between landlord and tenant; to provide, if it may be so, that the one shall have his sport, and the other his profit. But the question how far the preservation of game affects the morals of the community, and how much or how little this depends on the form which game laws take, does not appear to have entered for one moment into the consideration of the gentlemen whose names appear at the backs of these bills. And yet this, after all, is the most important feature of the case. It is not only the 10,000 convictions a year which are important, but the fact that these 10,000 convictions are all under a set of statutes which create crimes. So far as the act itself is concerned for which a poacher is punished, it is exactly the act the performance of which gives to the sportsman all his enjoyment: The law says in effect as follows:—There is a certain class of creatures which it is pleasant to pursue, to slay, and to eat. They belong to no man, they cannot be identified, and except when in captivity they cannot be stolen. They live indiscriminately on the lands or crops of A, B, C, and all the other letters of the alphabet. But if you, the poacher, trespass on these lands, presumably for the purpose of pursuing and killing these creatures, you shall be punished—not for the trespass, for you may go on these lands with impunity, not pursuing these creatures—not for the taking, considered as an act of dishonesty, for they belong to no man, but for doing an act which interferes with the gratification of a privileged class to which you do not belong. What is, what must be, in the mind of any man who reflects—and some reflecting men there are in all classes—if punished for poaching? It is not a crime to walk across a ploughed field, or up a hedgerow, for I have done it all my life; it is not a crime to take game, for so long as it lives it belongs to no one; it is not a crime to kill game, for that is what all the gentry round are doing; but it is a crime in the eye of the law to interfere with the sport of my betters; and for this action, which is no real crime after all, I am sent to gaol. This feeling, that to take game is not wrong, combined with love of sport and love of profit, is the cause why

poaching is so rife amongst us, and the cause, moreover, why so many labourers, who would never dream of stealing their master's corn or their master's chickens, snare hares and net partridges when they have an opportunity. But the evil only begins here. Once in gaol, even among his own associates the poacher is degraded. The 'lounging classes' are by no means aware how much a labourer loses caste by having been in prison. Losing caste means losing self-respect, and this again means losing the strongest preventive to a course of crime. And when to this sense of degradation is added a sense of having suffered punishment unjustly, a worse combination of influences brought to bear on an unsteady character can hardly be imagined. It is easy to palliate these facts; to show, as Mr. Gerald Sturt did in his very clever speech last year, that conciliation and popular manners go a long way towards making game-preserving easy; but the evil and the wrong remain, deep down, rankling, not to be salved over by any palliative treatment. And so they ever will, while the law remains as it is. How, then, is it to be altered; and, if altered, what effect will ensue? Before going into this question, we might, if we chose, examine another of great interest and some perplexity. We might inquire how far, and under what limitations, a change in the law affects what may be called the practical conscience of those who come under it; to what extent, in fact, the *malum prohibitum* comes to be considered as *malum in se*; and whether the nature of the punishment influences opinion as to the heinousness of the crime. We might ask, for example, whether sheep-stealing, or shop-lifting, or forgery, were held to be greater crimes by the classes whose peculiar temptation they were fifty years ago when they were punished with death, than now-a-days when they are punished by imprisonment. And we might look at the question a little sideways, and ask whether acts really dishonest, which are punishable on account of some other quality attaching to them, would not be more generally acknowledged as criminal if the dishonesty of the act were looked upon by the law as constituting the essence of the crime. But we must confine ourselves to the crime of poaching. The essence of that crime, as viewed by the law, is the going upon another man's land with a special purpose—the pursuit of game. Now, first of all, the labourer who without let or hindrance, and in pursuance of his ordinary occupation, is constantly going on another man's land, has no clear and definite notion of trespass. He feels that he may go about pretty much as he likes up and down the hedgerows in his parish; he has probably worked

for most of the farmers in succession, and it is a hopeless endeavour to persuade him that to wander about fields which he has known and walked over all his life is a crime. Then as to the other element—the taking. The labourer has heard all round him that game belongs to no one in particular; how then can we expect him to look upon the act of taking as a crime? He understands as distinctly as he understands anything, that taking game is not stealing. But it is an act of taking, and how can an act of taking that is not stealing be dishonest? Now the trespass and the taking, or trying to take, make up the crime; and the two constituent elements being white with harmlessness, how can the result be black with guilt? We say then again, that it is destructive of public morality, and confounds all moral distinctions, to allow poaching as such to continue in the list of crimes. Let us look the matter boldly in the face. Let us say plainly that a man who takes game on the land of another, and against his will, commits an act of theft. In one word, let us make game Property.

And why should not game be made property? So far as we can see, there is only one reason which commends itself to common sense, and that is the difficulty of identification. Reasons which have to do with the technical distinction between real and personal property, and which involve such considerations as that ‘savouring of the realty’ it cannot be made the subject of larceny,* are mere statements of the law, and ought not to weigh for one moment against the claims of right and justice. But this question of identification is a real difficulty, we might say *the* real difficulty of the case. Observe, however, that the same difficulty exists in other cases. Oysters are stolen from the bed—no man can identify an oyster, though he can swear very positively that it is like the oysters of a particular laying. Corn is stolen out of a barn—the owner prosecutes, and gives evidence. He does not identify; he simply says the corn found in the prisoner’s possession is like

* ‘Wild animals, while living, though they are, according to Lord Holt, the property of the owner of the soil on which they are living, are not his personal chattels, so as to be the subject of larceny. They partake while living of the quality of the soil, and are, like growing fruit, considered as part of the realty. Until the recent statute (24 & 25 Vict. c. 96, § 36) if a man entered my orchard and gathered the apples from my trees *he was not guilty of larceny*, though he certainly possessed himself of my property, and the same principles are applicable to wild animals.’ (*Judgment of Lord Cramworth in Blades v. Higgs, House of Lords’ Reports*, vol. xi. p. 636.)

his; the jury decide on the evidence. In these cases, however, there is an approach to identification; but in many cases, in the stealing, for example, of old iron, lead from roofs, and money from the pocket, there is or may be none, and yet convictions ensue. Still, almost always, the prosecutor is able to say that he has lost something. In a prosecution where game is concerned, this would often not be possible. At the same time, we may shortly say that there is no reason arising from the impossibility of identification, so strong as to prevent game from being reasonably considered as property.* But if property, whose should it be? Following the analogy of the Scotch law, which gives the right of sport to the landlord, we should adjudge it to be the landlord's; but following the analogy of English law, to which, in the case of hares and rabbits, the Lord Advocate desires to assimilate the law of Scotland, we should make it the property of the occupier of the soil. It is, in fact, part of the crop, it is nourished on the land: if it do harm it injures the occupier, the occupier's it should be. As the law now stands, an owner who reserves the right of sporting, whether to hold or to let to a game tenant, pays no rates on the game rent. But if he lets the land, not reserving the right of sporting, the tenant pays rates on the whole rent, and if *he* underlets the right of sporting, he does not escape that liability. The result of course is that, if the landlord reserves the right of sport, that proportion of the rates which would be chargeable on the game rent is paid by the other ratepayers, to his benefit; but if game, not the mere right of sport, were made the property of the occupier, it would be in all cases chargeable, as it in all fairness ought to be, with a rate proportionate to its rental value.

The question of game damage too might be very much simplified by making game the property of the occupier. We believe that we are not wrong in asserting that, as a rule, resident landowners do not preserve game to an injurious extent. They usually retain the coverts in their own hands, and no landowner who values his woods will allow an undue

* A curious case occurred two or three years since, tried before Mr. Hawkins, Q.C., acting for the Judge of Assize, in which a game-dealer was prosecuted for receiving pheasants knowing them to be stolen. It was proved that they had been taken out of a mew, and were consequently, as the law now stands, the *property* of the prosecutor. The defence was, that the game-dealer had been in the habit of receiving *poached* pheasants from the same man who brought him these, and that he accordingly took it for granted that these were wild birds, and as such not capable of being stolen. The defence was successful.

quantity of hares and rabbits, which, after all, are the *real* enemies of the farmer. As a rule small owners, not having extent enough to make it worth their while to preserve, let the right of sport with the land. The case where game damage arises is most commonly the case where the non-resident owner lets the right of sporting to a stranger. The game tenant has only one object, that of keeping up as large a head of game as possible; he cares nothing for injury done to woods or crops. If however the game belonged in the first instance to the occupier, in any agreement between him and his landlord they would have to agree on a definite sum to be deducted from the rent of the farm in respect of the game; and any intending tenant who did not then take into consideration whether the game was to be handed over to a stranger or not, would only have himself to blame. A change in the law too would give opportunities for devising a cheap and satisfactory method of assessing game damages, and perhaps might supply some means of meeting that very difficult question, how A is to be compensated for damage done by game coming presumably from the lands of B, in some cases even where B is *not next neighbour*.

Game being thus made property, to take game would be to steal it, and poaching would be simply thieving. Game certificates ought then to be abolished, but not game licences; and the list of game might be extended to other animals not now considered as game. In criminal indictments, the game would be laid as the property of the person on whose occupation it was reduced into possession or found in possession. If the game-stealer—no longer poacher—were taken on a high-road, it might be laid as the property of the road-trustees, the neighbouring occupier, or the parish. The prisoner would have to prove that it was honestly his, or, failing that, his guilt or innocence would be left to a jury.

We cannot help believing that this change in the law would very soon be followed by a change in the public opinion of what may be called the poaching classes. If the man who took chickens and the man who took partridges were visited by a similar punishment before the same bench, or at the same assizes, it would soon be felt that the feudal element in the preservation of game and the freebooting element in its illegal appropriation had disappeared, and that there was left on the one side nothing but a prosaic desire to protect property, and on the other simply the vulgar dishonesty of an ordinary theft. It is true the love of sport will always remain, making a distinction between the taking of game and the taking of

chickens; but, after all, this love of sport is far more generally gratified by the battues and driving parties of the present day, with the numerous beaters, walkers, and attendants which they involve, than it was in the times of a single-barrel Joe Manton and a brace of pointers. The Norfolk jacket and knickerbockers do not differ more from the swallow-tailed coat and cumbrous gaiters of the old 'Green Man' than do the habits and customs of the sport of our days from the habits and customs of the same sport in the days of our grandfathers. The fox-hound of a century ago, for example, was a slow, deep-voiced, plodding dog with a very delicate nose, following the scent of a fox up to his kennel, hunting him off it, and spending half a morning in killing or losing him. This creature was no more like a modern fox-hound with his dash and fire and immense speed than a spinning jenny is like a powerloom. But in all matters where powder and shot is concerned, everything is changed.

The single barrel flint lock, which missed fire every other time in a damp day, and was so slow that, according to the old phrase, the sportsman had to begin pulling the trigger before he put the gun to his shoulder; the stubble eight inches high, and well overgrown with weeds in those protectionist days, where partridges lay till they were walked up, always the brown bird, never the red-legged variety; the small inclosures surrounded by broad hedgerows, and just suited to the pace of a steady old pointer, who ransacked every corner at a trot, and retrieved his birds; the sportsmen, two at most, satisfied with their ten brace, overjoyed at fifteen, and thinking twenty pleasant but wrong; the same pair engaged in covert-shooting, such as we see it in Stubbs's pictures, with a brace of long-haired, silky-eared, short-legged, nervously hunting spaniels, questing and questing for the sly old cock pheasant whom they followed from one tangle of brambles and underwood to another, till they forced him to spring like a rocket into the air and risk his life in an attempt to escape from persistent persecution; these same spaniels good at flushing the occasional woodcock, followed by cunning noses from his morning feeding ground, full of springs and soft 'boring' places, to the warm dry retreat under some holly or birch, where he spent his days till flight time;—all these are gone; and we have in their places, central-fire breech-loaders; mown, almost shorn, stubbles; large fields; cut-down hedgerows; partridges driven into the turnips, and then walked up by four or six gunners with as many beaters; in the place of pointers a contingent of big black retrievers, large enough to swallow whole the birds they

bring so carefully ; or later in the season, the driven partridge, giving those splendid rocketing shots which all good sportsmen enjoy, and inferior only to the driven grouse crossing a long Yorkshire moor in swarms with the speed of a six-pounder, or driven black-cock, flying faster, and seeming to fly slower, than any bird of game ; and the covert-shooting, which is a holiday for half the village, from the national (we beg pardon, voluntary) school-girl who ' taps ' at the corner to keep back the hares and pheasants, upwards through all grades of beaters and ' stops ' to the tenants who look on, and the young gentlemen ' at private tutor ' at the vicarage, each attaching himself to a gunner, and keeping the score ; the luncheon in the gamekeeper's cottage, sometimes partaken of by certain dainty red petticoats and looped-up skirts ;—but many of our readers know the picture, or can paint it for themselves, not perhaps in the style of certain daily and weekly prints which strain at a battue and swallow a battle.

We repeat that the customs of modern sport are more sociable than those of our forefathers. That it is more cruel to kill two hundred pheasants in a day than two we utterly deny, and if we desire to minimise terror and anxiety for timid creatures, surely the way to do so is to concentrate the *chasse* in two or three days rather than to diffuse it over half a season.

We have been drawn away from the purpose and scope of this article by retrospects too pleasant to be altogether passed by, and we shall be accused of partiality in our descriptions. It may be that we are partial, but what we desire is to provide as far as legislation can secure it, that recreations peculiarly English may still be followed, contributing, as we are sure they do, to the formation of an active, energetic, and so to speak, athletic national character, and that in these recreations the tired lawyer, the busy merchant, the belated and exhausted politician may gain, as he has done in past times, refreshment, relaxation, health, and life, with no alloy of regret introduced by the consideration that his sport is obtained at the risk of moral or social degradation for others.

There are many ramifications of this question of Game and Game Laws into which our limits forbid us to enter ; but we trust we have said enough to impress on the attention of our readers two facts : first, that the present system requires reform, and secondly, that any reform ought to begin with an attempt to abolish all notions of feudality and privilege with reference to game.

ART. V.—*Correspondence between the Governor of the Cape Colony and the President of the Orange Free States, relative to the disputed Ownership of the Diamond Field Territory, presented to the Cape House of Assembly, 1870-1.*

THE recent discovery of diamond fields in South Africa has attracted an unusual amount of attention to that distant region of the world. Nor indeed has the interest awakened in the British mind been alone created by the fact of the probable enrichment of a British colony and the development of the resources of a country in which British power has long been predominant. Other ingredients have not been wanting to sustain the excitement, and the claims advanced by the South African Republic to the territory which has been proved to contain so fertile a source of wealth, have rendered possible, if not probable, complications which can only be understood by those who are content to judge of the condition of the present and the prospects of the future by a careful study of the history of the past. Inasmuch, moreover, as that history will be found to throw some light upon the larger question of the relations existing between this country and her colonies, and the policy which has from time to time guided Great Britain in her conduct towards her distant dependencies, it will be found to possess a general as well as a special interest.

In order to arrive at a clear understanding of the position which we occupy with regard to the South African diamond fields, it will be necessary briefly to review the history of our possessions in that quarter of the globe, and to point out the course of policy which has brought about the present state of affairs; nor is it improbable that the judgment which may be passed upon it by the impartial critic will be found equally applicable to proceedings in other colonies and under somewhat different circumstances. It is unnecessary to weary the reader by a recital of the early history of the Cape, before and after its final acquisition by England in 1806; and indeed for our present purposes it is enough to start from the well-known emigration of the Boers in 1835 and 1836, which took place principally in consequence of the abolition of slavery, and the disputes upon the question of the compensation to be paid to those who had been sufferers by that measure. Nor is it essential to follow the story of that emigration in detail, but simply to point out that from those Dutch colonists who were engaged in it has sprung the race of Boers who are now the occupants of the Orange Free State and Trans Vaal Republics.

A party of emigrant Boers first endeavoured to establish themselves in Natal, and having been driven thence, fell back upon the large tract of country between the Orange and Vaal rivers, which was at that time thinly populated and afforded rich pasturage for their flocks. The ancient bushmen inhabitants of this country had been gradually dying out for many years past, and at the period of the Boer emigration the greater part of the land was in the undisputed possession of various native tribes, of whom the Korannas and the Basutos, under the rule of their great chief Moshesh, were among the principal, while much land was held by the Griquas, the illegitimate offspring of the white and coloured inhabitants of the colony, who, having adopted this name in place of their first and less euphonious title of 'Bastards,' had been gradually growing in numbers and importance, and had settled to the east of the confluence of the Orange and Vaal rivers, in some of the most fertile territory of South Africa: It was in the neighbourhood of these people, near to the Orange and Caledon rivers, that the emigrant Boers first established themselves, acknowledging the right of Moshesh and of the Griquas to the land, and taking leases of the same, for which they paid rent to the Griquas, although Moshesh demanded none, being satisfied with the protection afforded by their presence.

This satisfaction, however, was not of long continuance. The 'innatus amor habendi' (especially where land was concerned) was strong in the Boer nature, and they appear to have become speedily impressed with the idea that they had as good a right to the country as its earlier occupants. The latter, meanwhile, viewed with jealousy the encroachments of the new comers, whose industrious habits and consequent increase of prosperity gradually created a power which rivalled that of their own chiefs, and could hardly be viewed by the latter without apprehension. If, however, the Boers were encroaching, the native tribes were not blameless in their attitude towards their neighbours, against whose flocks and herds they carried on a system of perpetual depredations, which must have been vexatious and irritating in the extreme to the hard-working farmers.

But the Boers had not succeeded in escaping from the reach of the long arm of the British Government by their migration from the Cape. The history of the Orange River Territory during the years 1842-47 inclusive records not only a perpetual strife between the Boers and the native tribes, but also constant attempts on the part of the former to establish themselves independently of the British Government. Their prin-

cipal leader was Andries Pretorius, under whom they had formed a political organisation as early as 1842, and to whom they were said to have taken an oath of allegiance as President of their republic. The three individuals who mainly opposed the pretensions of the Boers during this period were Moshesh, chief of the Basutos, Waterboer, chief of those Griquas who occupied the country near the confluence of the Vaal and Orange rivers, and Adam Kok, chief of the Griquas in the district of Philipolis, so called from a missionary station which had been founded by Dr. Philip in 1825. Of Moshesh we shall presently have more to say, but it is with the other two that our diamond-field history is most concerned. Waterboer had frequently rendered important services to the Colonial Government in protecting the northern frontier from the depredations of the uncivilised tribes beyond, and had thus proved himself a valuable ally to the cause of order and good government. His power had originally sprung from disputes among the Griquas under Adam Kok, which resulted in the establishment of a separate government under each chieftain in 1834.

The country of these two Griqua chiefs being continually threatened by the Boers, the British Government interfered for its protection, and after many futile attempts to arrange matters peaceably, British troops were employed against the Boers in 1845, and treaties were entered into with the native tribes. It was under these circumstances, and whilst the country was in a most unsettled state, that Andries Pretorius made an attempt to set matters right between the British Government and the malcontent Boers with whom his influence was paramount. With the intention of laying their case before Sir H. Pottinger, he journeyed to Graham's Town, and sought an interview with that officer, who was then Governor of the Cape. Unfortunately, Sir Henry refused him an audience upon a technical objection, which, however valid, was impolitic in the extreme, and produced consequences which might have been avoided by more conciliatory action. Almost immediately afterwards, Sir Harry Smith came out from England as Sir Henry Pottinger's successor, and it is from this epoch that the history of the Orange River Territory becomes more interesting to English readers.

Sir Harry Smith's course of action has frequently been blamed as precipitate, and his mode of procedure condemned as productive of the troubles and complications which have subsequently occurred. Whilst, however, such condemnation is intelligible when proceeding from those who consider

colonies as a burden, acquisitions of territory as a misfortune, and a policy of abandonment, wherever abandonment is possible, to be the only wise policy on the part of a mother country, it is not so easy to understand how Sir H. Smith can be blamed by those who take a different and higher view of colonial policy. Sir Harry found, close to the borders of the Cape Colony, a large tract of country, partly occupied by native tribes in alliance with England, partly by emigrant Boers, subjects of the Queen, of whom many were loyally disposed and many more probably only disloyal from the force of circumstances rather than from any inherent hostility to British rule. The one thing wanted for the pacification and prosperity of the country was the establishment of a fixed and settled form of government, and to obtain this result no other course appeared feasible save the annexation of the country and the proclamation of British sovereignty. In the precise manner and the moment of taking this course Sir H. Smith may have erred, but a calm retrospection will convince the impartial critic that no other course could have afforded to the people of the territory in question so fair a prospect of future tranquillity and good government.

In the interests therefore of the inhabitants of the district themselves, in the interests of the Cape Colony (to which the tranquillity of their neighbours was of vital moment), and in the interests of England, if she intended to preserve her connexion with her colonies and share their good or evil fortune, annexation appeared to be desirable. Accordingly, having determined on this course, on the 3rd of February, 1848, Sir Harry Smith proclaimed the Queen's authority 'over the territories north of the Great Orange River, including the countries of Moshesh, Moroko, Moletsani, Sinkonayala, Adam Kok, Gert Taaybosch, and of other minor chiefs, so far north as to the Vaal River, and east to the Drakensberg or Quathlamba Mountains;' and in March, 1851, the Queen, by letters patent under the Great Seal, annexed these territories to the Government of the Cape of Good Hope, and gave to them the name of the Orange River Territory. Thus, then, the whole of the territory in which the diamond fields have now been discovered, was formally brought into the possession of the British Crown; and there can be but little doubt that had a judicious policy of conciliation and good management been pursued, any temporary discontent would long since have passed away, the whole country would have settled down quietly under British government, and the recent discoveries of diamond fields would have been regarded by us at the present moment with unalloyed

satisfaction, as an unexpected but welcome development of the resources of a British colony.

According to Sir Harry Smith's proclamation, all the native chiefs within the annexed territory were to be under the sovereignty of the Queen, while their authority over their own tribes was to be maintained according to their customs and usages. All her Majesty's subjects were to be governed by the laws of the Cape, and were to pay an annual quit-rent for their lands to Government, which quit-rents would be first applied in indemnifying the native chiefs, and then in defraying the expenses of their own government. Major Warden was appointed British resident magistrate at Bloem Fontein, and, under him, a civil commissioner and magistrate, combined in one person, was to be stationed at Wenberg, and another on the Caledon River. A land commission was also formed, who, among other things, were to register each farm, and fix the amount of quit-rent according to the value of the land.

These proceedings were all approved by Lord Grey, then Secretary of the Colonies. Now, however, began to be seen the ill effects of the offence given by Sir H. Pottinger to Pretorius. The partisans of the latter refused obedience to Sir H. Smith's proclamation; and Major Warden was stopped by a party of armed Boers within a few miles of Bloem Fontein, and narrowly escaped being captured by them. Pretorius issued a proclamation declaring that the Boers would not submit to British authority, and warning those emigrants who would not join him that they must quit the country, and that neutrals would be treated as enemies. Waterboer, Adam Kok, and Moshesh remained firm and faithful in support of the British Government. In August 1848, Sir Harry Smith arrived with troops at Colesberg; and in answer to communications from the rebels, declared that the proclamation would be maintained; that four-fifths of the people were in favour of British sovereignty, and had merely been intimidated by the violence of Pretorius; and that most of the latter's followers were strangers and persons ruined in circumstances. On the 29th August a severe engagement was fought at Boemplats, which resulted in the total defeat of Pretorius; and in the following month Sir H. Smith proclaimed the inclusion of the Vaal River district under British sovereignty. Pretorius was outlawed. Fines were levied upon those who had taken part in the rebellion; the Governor was satisfied that the Dutch farmers were gradually settling down, and the general appearance of the country at that time satisfactory.

Unfortunately, however, this was of no long duration. The great Basuto chief, Moshesh, had become discontented, and had quarrelled with his neighbour, Sinkonayala. In consequence of the disturbances which followed, and of several robberies having been committed by some of his tribe, Major Warden called out a patrol of burghers for the protection of the farmers. Whether, however, from chronic discontent, or owing to the intrigues of Moshesh, the Boers responded to the call neither promptly nor in sufficient force; and in a skirmish with the Basutos, Major Warden gained a very equivocal advantage. The result was that the loyal Boers became lukewarm and unwilling to offend their neighbours by rendering assistance to the Government, and the disaffection appeared to gain strength daily. It is true that Moshesh disclaimed hostility towards the British Government, but the result of his intrigues with the Boers (hereafter to be visited with heavy retribution) was to greatly increase the difficulties of carrying on the government of the country. Wearied with the continuance of these difficulties, and the consequent expense to the Imperial exchequer, on the 15th December 1851, little more than nine months after the issue of the letters patent annexing the Orange River Territory, Lord Grey wrote a despatch as precipitate in the direction of abandonment as any action of Sir H. Smith's in a contrary direction. He stated that 'if the inhabitants would not support the authority of the British Government, which had been established in the sovereignty solely for their advantage—but, on the contrary, desired to be relieved from it—there was *no British interest to be served by maintaining it, and that it was impossible the expense could be incurred of keeping up a force sufficient to maintain in that distant region an authority which the great majority of the inhabitants would not obey.* But that it would be necessary, in the first place, that the superiority of the British arms over those by whom they had been resisted should be established; and next, that the interests of our allies should be attended to.'

Meanwhile, during these disturbances with Moshesh, Pretorius, who had crossed the Vaal, evinced a much more wise and conciliatory spirit, refusing to join the Basuto chief, or to uphold the cause of the rebellious Boers. In consequence of this good conduct he was relieved from his outlawry, and friendly relations re-established with the Trans-Vaal Boers under his control, a convention being carried out with them in 1852 by assistant-commissioners Major Hogg and Mr. Owen, on the part of the British Government.

And now comes the most incomprehensible part of the whole history. Lord Grey quitted office, Sir John Pakington succeeded him during the short administration of Lord Derby, and was in turn replaced by the Duke of Newcastle in the autumn of 1852. In April 1852, General Cathcart having succeeded Sir Harry Smith, moved up a strong body of troops against Moshesh, and fought an action at Berea upon the 20th December in the same year, after which the Basuto chief gave in his entire submission, and acknowledged his vassalage to Her Majesty's authority. The victory having been by no means of a decisive character, this submission was readily accepted. Compensation was made to the loyal chiefs and farmers from the cattle taken from Moshesh, the troops were withdrawn, and the Governor expressed his belief, that ' whilst ' among the native tribes a good understanding and peaceful ' relations had been restored to a degree which had not existed ' for many years, all claims upon the British Government had ' been sufficiently compensated, all wrongs redressed; and ' unless wilful aggressions should take place on the part of the ' colonists of European origin, a degree of security and peace ' might result from recent events which had not been experienced ' since the assumption of the sovereignty.'

These sentiments were conveyed by the Governor in a despatch to the Duke of Newcastle, written in January 1853, in which he characterises the ' general aspect of affairs ' as ' most cheering; ' and the answer to that despatch, upon the 14th March, conveyed the information that her Majesty's Government had decided to withdraw from the sovereignty!

' The rude government which had hitherto existed had not answered its purpose, and there were no advantages which would compensate for the risk and expense attending its retention. Moreover, the present conjuncture was a favourable one, and the late expedition and engagement would remove any misconception to which the relinquishment of territory might be able to give rise.'

The determination to which Her Majesty's Government thus arrived was in effect to abandon the sovereignty of the Orange River Territory, precisely at the moment when the difficulties which had followed the assumption thereof had been nearly or entirely overcome; and when a firm hand and a wise head at the seat of government would have maintained the tranquillity of the country, and gradually welded it into one united province, which, eventually incorporating Natal and the Cape Colony with the intervening land, would have worked out that future to which even now South Africa must look for her best chance of permanent prosperity.

Unhappily, however, the considerations by which British policy was governed at the moment were not such as would permit the realisation of these ideas. What those considerations were it is beyond our province to discuss here; but they may in some degree be gathered from the debate in the House of Commons, which took place upon May 9th, 1854, upon a motion of Mr. (now Sir Charles) Adderley for an address to the Crown, praying her Majesty to reconsider the 'Order in Council for the abandonment of all sovereignty over the Orange River Territory.' Mr. Frederick Peel, speaking on behalf of Lord Aberdeen's Government, declared his regret that we had ever crossed the Orange River, asserted the hostility of the Boers to British rule, and dwelt upon the expense of the Kafir wars, and the desirability of leaving the colonists as much as possible to manage their own affairs. He stated that in consenting to annex the territory, Lord Grey had acted 'in deference to the views of Sir Harry Smith, and against his own better judgment and more far-seeing views;' and he announced that the policy of the Government was 'to conciliate the inhabitants of the colony, and to carry out the principle of non-intervention in the petty quarrels of ancient chiefs.' Sir John Pakington having taken the opportunity of declaring his own individual opinion to be in favour of abandonment, Mr. Adderley, after a gallant but ineffectual protest against the course about to be pursued, withdrew his motion, the success of which would have been hopeless against this combination of friend and foe.

Meanwhile, the despatch of the Duke of Newcastle in March, 1853, had been followed by the mission of Sir George Clerk to arrange matters in connexion with the abandonment of the Orange River Territory. On the 14th April Governor Cathcart had reported, 'I am still able to say that all is prepared for a transition *either to a state of independence or a confirmed Government under British rule;*' and in an enclosure in the same despatch, Mr. Greene, the British Resident, had referred to the alarm of Moshesh, who '*sees that if the Government withdraws from the sovereignty the natives in it must sooner or later come into collision with the Boers.*'

The proposed abandonment was received with great disfavour at the Cape. Petitions earnestly deprecating the intended step were presented by merchants and inhabitants of Cape Town, Burghersdorp, by the Presbytery of Swellendam, from Graham's Town, Uitenhage, Colesberg, Graaff Reinet, Port Elizabeth, and all the principal places in the colony, signed by 'the leading mercantile firms and chief inhabitants,

'of all professions and callings.' These petitions stated that the petitioners learned 'with very deep regret and apprehension' the course proposed to be taken; that 'the confidence reposed in the permanent protection offered by Sir Harry Smith's proclamation of 1848 for making British power supreme in the sovereignty, led to a rapid increase of its population, and to the investment of large capital in lands, buildings, stock, and merchandise, which have resulted in a considerable export of wool to England of a very superior quality, in exchange for British manufactures; while its increase and increasing trade has already become of much importance both to Great Britain and the colony;' they pointed out that 'it has ever been a prominent feature in British border policy to provide for the protection, civilisation, and moral and religious instruction of the native tribes,' and that the furtherance of these objects was incompatible with abandonment of the sovereignty; they declared that 'an extensive system of serfdom and slavery would speedily supervene;' they prophesied 'an exterminatory war of races;' and whilst they condemned the threatened policy as 'a retrograde step,' they expressed their conviction that within a very limited time it would become the duty of the British Government to recover and repossess the territory with 'tremendously increased difficulty, as well as expenditure of blood and treasure.' Sir George Clerk's own report to the Duke of Newcastle in August, 1853, states that 'among British settlers and speculators the consternation has been great, and in some instances I believe they are violent in their invective.' From this and subsequent despatches it is abundantly proved that in the Orange River Territory itself opinions were much divided upon the all-important question of the hour. There can be no doubt that a strong feeling existed on the part of the English settlers against the abandonment of the sovereignty and the withdrawal of British protection; and that there were many among the Boers who would have been well content to let matters remain as they were, especially since the recent campaign had afforded hopes of greater quiet and a cessation from native depredations. It is, however, equally true that there were many disaffected Boers, impatient of English authority and English customs, especially when the exercise of the one and the existence of the other elashed somewhat harshly with their notions as to the best manner of dealing with the native tribes. For whilst the policy of England had ever been to respect native rights and to promote native civilisation, it is to be feared that the Boers had neither that horror of slavery nor that consideration

for their neighbours' rights which had been enforced upon them by successive British Governments. Doubtless, therefore, there were many who were willing enough to get rid of England; and when a British Commissioner was sent out for the purpose of carrying out that policy of abandonment which would enable them to do so, he found little difficulty in reporting the existence of a sufficiently strong anti-English feeling to enable him to present to those who sent him such a picture of the state and the opinion of the country as encouraged them to persevere in the course which they had determined to pursue.

A perusal of Sir George Clerk's despatches and enclosures will show to any unprejudiced mind that the state of the Orange River Territory at this time was just such as would have enabled a clever commissioner to make out a good case on either side. In fact, had the British Government set its face strongly against abandonment, the anti-English or 'Independence' Party would have probably disappeared within a few years, and the stability of British authority have been permanently confirmed upon a durable and satisfactory basis. As, on the contrary, the British Government desired that British authority should be withdrawn and the sovereignty abandoned, the party in the Territory which held these views was necessarily strengthened, the loyal upholders of British rule were discouraged, and, having not only no object in asserting these opinions but every inducement to conceal and abandon them, the lukewarm and doubtful men saw without difficulty the scale into which their interest dictated that their weight should be thrown; and so it came to pass that the protests and petitions of the Cape colonists and the British settlers in the Orange River Territory passed unheeded, the Dutch element was in the ascendant, and the most valuable districts of South Africa were deprived of the advantage of connexion with a strong and stable Government, and were cast off as worthless possessions, to be experimentalised upon by infant republics and to become in all probability the battle-field upon which should be carried on the melancholy conflict of races, until the usual result of such conflicts should be arrived at by the extirpation of the unhappy natives.

Sir George Clerk performed his task with equal zeal and fidelity, and indeed it is to him that the chief credit or discredit of the abandonment scheme must be attributed; for, in his despatch of November 14th, 1853, the Duke of Newcastle having stated that the views of Her Majesty's Government had undergone no change as to their contemplated policy, and having given vent to the sentiments invariably urged whenever

such a policy has to be supported, viz., that 'the maintenance of British dominion could only be insured at a considerable permanent cost to the mother country, with a constant liability to expensive and protracted frontier contests,' went on to use the following remarkable words:—

'I have, therefore, to instruct you to proceed on the assumption that this line of policy is that deliberately chosen by Her Majesty's advisers. *I do not say that even these strong convictions would not yield to argument to the contrary, if urged with the force of the experience which you have acquired.* If I understood you to be decidedly of opinion that the subject must be reopened, I should not refuse reconsideration; but I wish you to look upon this as a discretion reposed in you, only to be exercised on the fullest persuasion of its necessity.'

It is needless to say that this discretion was not exercised, and on the 30th January, 1854, the proclamation of abandonment was agreed to by Her Majesty in Council; and on the 23rd February the convention was signed between Sir George Clerk as Her Majesty's High Commissioner and certain Boers elected to represent those who were about to inaugurate the new republic.

Within little more than a year a neighbouring province, possessed by native tribes, was brought permanently under British authority upon principles apparently the very reverse and opposite of those which had actuated the British Government in this unfortunate transaction. We can hardly avoid asking the question of ourselves, 'if the policy which dictated the abandonment of the Orange River Territory is to be upheld and justified, what are we to say of the conquest and retention of British Kaffraria?' The grounds upon which the latter province was thus treated are briefly stated in a despatch from Lord John Russell to Sir George Grey, bearing date June 3rd, 1855, in words which contrast forcibly with the vacillating expressions of the Duke of Newcastle:—

'Let me in the first place declare explicitly that it is for no object of dominion or extension of territory that Great Britain wishes to maintain possession of Kaffraria. *So far as the interests of this Empire are concerned, British Kaffraria might be abandoned, and the eastern districts of the Cape Colony left unprotected, without injury to the power of the United Kingdom, and with a considerable saving to its finances.* But such considerations have not been allowed to prevail. *The performance of an honourable duty to British colonists, the maintenance of a position acquired at great cost both of men and money, and lastly, views of comprehensive and vigilant humanity, induce Her Majesty's Government to take a very different course.'*

These are the words of an English statesman, and it is hardly possible to read them without a consciousness that whilst they

represent feelings and opinions dear to Englishmen, and point to the ancient and time-honoured policy which has for ages been the boast and pride of England, they carry with them the severest condemnation of the policy of short-sighted and timorous economy which led to the abandonment of the Orange River Territory. British Kaffraria was retained by the British Government in 1855, and finally annexed to the Cape Colony by Sir Philip Wodehouse in 1865. By the British Government also the sovereignty of the Orange River Territory was abandoned in 1854; and we must not complain if our colonial policy should be sometimes characterised by our colonists as vacillating and uncertain.

It must not be supposed that the convention which withdrew British authority from the Orange River Territory was followed by universal quiet and contentment. Sir George Grey succeeded General Cathcart as Governor of the Cape in 1854, and the papers presented to Parliament relative to his recall and re-appointment afford ample evidence of the mischief which followed the abandonment of the sovereignty and the difficulties by which its inhabitants were surrounded. Sir George Grey offended his Home Government by recommending to the Cape Parliament that Federation of South African provinces, including the Orange State, which the colonial policy of the Home Government disapproved. Without entering into the merits of the dispute between Sir George and his accusers, it is plain enough that a strong feeling existed in favour of federation in South Africa, and it may be questioned whether the feeling will not even yet be found to have been possessed of inherent strength and vitality.

In a despatch to Sir E. Lytton, in November, 1858, Sir George referred to the abandonment as a measure 'carried out in opposition to the wishes of nearly all the wealthy and influential inhabitants of the Orange River Territory', as also in 'opposition to the wishes of all the European and native inhabitants of South Africa, who live without the Orange River Territory.' He urged with great force that experience had shown that the views which led to the dismemberment of South Africa were mistaken ones, and he earnestly advocated the establishment of a Federal Union. The Orange Free State were at that time ready and anxious to adopt such a project, which might doubtless have been carried into effect, had the policy of the British Government permitted so desirable a course to have been taken. Unfortunately, however, the only result of the attempt was a snub to the Governor, and the opportunity of establishing a Federation was, in his opinion, 'lost

'for ever.' The evils, however, of which complaint had been made still continued. One of them, prominently alluded to in Sir George Grey's despatches, was the unsettled state in which boundaries had been left; and from hence we shall find that some of the present South African complications have arisen.

The wish for Federation has never entirely died out, and indeed it has advanced even further; for in spite of the reported disaffection of the Boers, by which the minds of Lord Grey and his successors were inclined to abandonment, the inhabitants have more than once attempted to rejoin the British sovereignty. So strong was this feeling, that, in his despatch of June 19th, 1863, Sir Philip Wodehouse 'thinks it necessary 'to acquaint' the Duke of Newcastle that 'for some months 'past an agitation has been in progress in the Orange Free 'State with a view to the re-annexation in some shape of that 'territory to the British possessions in this quarter. Latterly 'public meetings have been held at various places, at which 'resolutions in favour of such a measure have been carried 'either unanimously or by large majorities; and I have every 'reason to believe that before long I shall receive some communication on the subject from the existing Government of 'the Republic.' To this despatch, in which the Governor asked for instructions, in the event of his receiving such a communication, the Duke of Newcastle replied that he was to 'be careful 'to take no course and to hold no language which would have 'the effect of encouraging a movement in favour of re-annexation;' and the cold water thrown upon the attempt seems to have checked its growth. It may here be remarked that a memorial presented in 1868 to the Duke of Buckingham, by a 'numerous deputation of gentlemen connected with and interested in the colony of the Cape of Good Hope,' also stated that 'a general desire has been expressed in the Colony, 'as in the Free State itself, that the re-annexation of the Free 'State, in one form or other, as a British dependency should 'be accomplished.' It is evident, therefore, that before, at, and after the arrangement of 1854, there has always existed a party in the Free State favourable to British authority; and that probably even at the present moment the real interests alike of the Free State and of the Cape Colony would be best promoted by the re-establishment of the sovereignty so weakly and unwisely abandoned. A fault once committed is not, however, always susceptible of remedy, and we shall find the evil consequences of our mistaken policy throughout the whole course of subsequent events in South African history.

From the abandonment of the Orange River Territory in

1854, down to the diamond discoveries of 1867, occurred several episodes which, did time and space permit, would be found worthy of careful attention. It is, however, only possible to allude here to such portions of South African history as bear more directly upon the condition of that part of the country in which the diamond fields are situate, and upon the proceedings of those who have claimed territorial rights therein. For if, in attempting to come to a fair decision upon rival claims in 1871, we find that one claimant has during the last fifteen or twenty years been uniformly and constantly engaged in pushing forward his boundaries, and, rightfully or wrongfully, increasing his territorial possessions, a presumption may possibly be created not entirely favourable to his pretensions in the instance immediately before us; and we shall be inclined to scrutinise with greater care, and even with suspicion, his present line of procedure. And, therefore, it is well to stay for a moment in our narrative, in order to take a passing glance at the conduct of the Free State in their dealings with others of their neighbours besides those Griquas against whom is their contention at the present moment.

It has already been mentioned that the country of Moshesh, the Basuto chief, had been included in that territory over which British sovereignty was declared by Sir H. Smith's proclamation in 1848. This chief claimed to have been all along in alliance with England, and objected to the expressions used by Sir George Clerk in the convention of the 23rd February with the Free State, in which he affirmed that 'the British Government had no alliance whatever with any native tribes northward of the Orange River, save that with Adam Kok.' Sir George Clerk, however, had also stated in a despatch of the 24th January, 1854, 'The advantages are considerable in leaving matters between us and Moshesh on a footing which does not prohibit a closer connexion hereafter.' And, in the year 1861, we find Moshesh earnestly seeking this 'closer connexion,' and desirous that he and his people should be recognised as British subjects.

It is not difficult to account for the change which had thus come over the once mighty chief, whose deeds and character are worthy of a history to themselves, and who throughout the whole of his life had displayed a vigorous ability which should command respect. The withdrawal of British authority had resulted, as had been amply foretold, in the establishment of a chronic state of warfare between the Boers and the Basutos, in which the latter, although they are said to have been only prevented by the intervention of the British Government from

destroying the former in 1857, were gradually pushed back and driven from their lands before the white men. The natives, indeed, fought at terrible disadvantage, for it must be remembered that the patriotic and economical government who withdrew from the native tribes of the Orange River Territory the protection which British policy had ever hitherto afforded to aborigines in the vicinity of British colonies, went one step further in their new course, and agreed by the convention of 1852 to the somewhat one-sided proposition that whilst arms and ammunition might be furnished to the Boers, none should be sold to the natives! What wonder, then, that little by little the native tribes receded before their encroaching neighbours.

There is something upon this point inexpressibly touching in the petition addressed by Moshesh to Sir Philip Wodehouse upon the arrival of the latter at the Cape in December 1861. After stating his case at great length, and alluding to the boundary war between his people and President Boshof of the Free State, and his consequent loss of territory in 1858, he goes on to say, 'And now, we say, can the Queen suffer her children to be attacked again *with their hands bound, while those who attack us are furnished with arms and ammunition by her Government?* I have always said we were forgotten, but for a moment. I still trust in her justice and humanity; therefore I now ask to be recognised as her subject, and that my subjects the Basutos may, on account of and through my chieftainship, be her subjects too. I ask this of her generosity, for we have nothing to offer in exchange but our gratitude and fidelity; though if it were asked, or necessary, every Basuto would willingly offer his life in her service.'

It is not quite clear whether Moshesh comprehended the full effect upon himself and his people of becoming the Queen's subjects, nor is it pretended that the native tribes had been wholly free from blame in the wars between themselves and the Free State. It cannot be doubted, moreover, that Moshesh was possessed of sufficient tact and cunning to make his cause appear the better wherever there was a possibility of his doing so; and it is certain that robberies and murders had been from time to time committed by persons belonging to the Basuto tribe. But he had assuredly just cause of complaint against the provisions of the convention by which his people had been prevented from efficient defence against the encroachments of their enemies. In those provisions there was no ambiguity. At the meeting in January 1852, between the Trans-Vaal Boers and Major Hodge and Mr. Owen, 'Her Majesty's Assistant Commissioners for the settling and adjusting the

'Eastern and North-eastern boundaries of the Colony and the Cape of Good Hope,' the 6th proviso ran as follows: 'It is agreed that no objection shall be made by any British authority against the emigrant Boers purchasing their supplies of ammunition in any of the British colonies and possessions in South Africa, it *being mutually understood that all trade in ammunition with the native tribes is prohibited both by the British Government and emigrant farmers on both sides the Vaal River.*' Although this article did not appear in Sir G. Clerk's Convention of 1854, it appears to have been practically enforced in the Boer-Basuto wars; and it is not to be wondered at that in conflicts carried on under such conditions Moshesh found himself somewhat overweighed.

It is impossible here to do more than give a brief review of the events which followed this application of the great Basuto chief, and it is the less necessary inasmuch as the papers which tell his story were presented to the House of Commons in 1869 and 1870, and are accessible to those who desire to make a closer study of transactions which admirably exemplify the dealings between the Boers and the natives wherever they have come into contact. It is the same story throughout. Recriminations on either side—the Boers accusing the Basutos of treachery and murder, the Basutos retaliating with charges of a similar character. In 1865, Moshesh had got so much the worst of the war that he again implored the intercession of the Governor of the Cape, complaining that all his people had fled and were 'living under the rocks, looking with anxiety for having the liberty of ploughing and sowing their fields.' He declared that the Boers offered him terms of peace so exorbitant that he could not accept them, and stated once more that he considered himself subject to the British Government, and was 'determined the Government of the Free State will never have my country.' In fact, Mr. Brand, the President of the Free State, had addressed a letter to Moshesh, in which, after accusing his people of various atrocities, he stated that the Boers had 'only taken up arms to teach the Basutos that their thefts and other acts of hostility will no longer be tolerated,' and proceeded to offer him peace upon the condition of his 'delivering within four days a fine of 10,000 head of cattle and 5,000 horses in satisfaction of the expenses of the war, 60,000 sheep and 30,000 head of cattle by way of compensation, and submitting to the annexation to the Free State of a considerable tract of his country.'

Sir Philip Wodehouse having refused to interfere in the quarrel, Moshesh was obliged to submit to a further loss of

territory by the treaty of Thaba Bosigo, in order to obtain peace; and early in 1866, the Governor thought it necessary to address Mr. Cardwell, then Colonial Secretary, expressing his opinion that 'by accepting their offered allegiance we should 'do great good, not only to the Basutos, but to all these 'regions,' and stating in strong terms the evils which had arisen from the abandonment of the Orange River Territory, the 'practical result' of which had been 'the establishment of 'an exceedingly weak Government, of which the executive 'head is completely under the control of the legislative 'body, and which has failed to acquire the respect of the 'native tribes.' He also pointed out the peril to which these tribes were exposed of being 'destroyed in detail by the Free 'State,' and declared his conviction that 'both our duty and 'our interest alike prescribe that we should accede to the 'wishes of the Basuto chiefs, whenever the state of their relations with the Free State will allow of an intervention without giving offence to that Government.' This despatch was written after a repeated entreaty from Moshesh, who, according to the report of Mr. Commissioner Burnet in December 1865, seemed 'firmly satisfied that there is no choice between 'the Queen's Government on the one hand, and *the utter destruction of the Basutos*, as a people, on the other.' Mr. Cardwell, however, thought it prudent to do no more than appoint a British officer to reside with Moshesh, and to act as an adviser and mediator for the settlement of disputes with his neighbours; and even this permission was disapproved of by Lord Carnarvon, who in a despatch of July 1866, desired the Governor to abstain from such an appointment if he could do so without any breach of faith with Moshesh.

There ensued a long correspondence, Moshesh still begging to be received as a British subject, and his country to be annexed either to Natal or to the Cape, whilst the President of the Free State demanded heavy sacrifices on the part of the Basutos, whose standing crops the Boers 'vigorously destroyed,' and upon whose territory they continued to encroach. At the close of 1867, things being in no better condition, the Duke of Buckingham consented on the part of Her Majesty's Government to the reception of Moshesh and his people, and in spite of the protest of the Free State authorities, this was effected in 1868, and in the following year a convention was concluded with the Boers by which a permanent boundary was established between them and the Basutos, considerably limiting the territory of the latter, though not to the full extent demanded by their enemies. Objections have since been raised to this

boundary, and the history of the whole transaction is susceptible of different opinions as to its fairness to the natives ; but enough has been said to show the inclination and tendency of the Free State Boers to add to their territorial possessions, and it may be observed that their arguments in the Basuto case were very similar to those with which we shall find them urging their position against the Griquas of the diamond fields.

But if the Free State Boers were afflicted with this mania for land extension, their brethren of the South African Republic were not one whit behind them. Sir Philip Wodehouse was astonished by the appearance of a proclamation by the President of the Trans Vaal or South African Republic in June 1868, quietly announcing an extension of territory which would give him eastward access to the sea, and a seaport in the southern part of Delagoa Bay, which was claimed by the British Government, the northern part belonging to Portugal. This proclamation also extended the territory of the republic westward to an enormous breadth, and the Governor felt bound to ask of the President explanations as to its authenticity. The President replied that he thought himself justified in issuing the said proclamation on the ground of agreements made by him with various native tribes and also by virtue of the convention of 1852. A despatch of the Duke of Buckingham, however, in November 1868, informed the Governor that Her Majesty's Government did not recognise the validity of the proclamation in question, and at the same time dealt with another question of considerable importance. Complaints had been frequently made that the Boers were in the habit of violating the anti-slavery article in the conventions under which they had acquired their independence, and they were warned that if they did so, Great Britain would hold herself discharged from the obligation under which she had come on her part by the same conventions. It will thus be seen that when Sir Philip Wodehouse left the colony at the close of 1869, the feeling between the Boers of the two republics and their native neighbours was by no means satisfactory, nor had the Free State and South African Republics established such a character for peaceable and honest dealing as to lead us to admit their territorial claims without strict investigation. It was during the existence of such a state of things that those discoveries of diamonds took place which have lately invested the affairs of South Africa with so much additional interest.

In the early part of 1867, an English trader obtained from

a Dutch farmer named Niekeck, residing in the Hope Town district of the Cape Colony, a stone which upon examination turned out to be a rough diamond, weighing 21 carats and of about 500*l.* in value. Other stones were subsequently discovered, among which was that since known as the 'Star of South Africa,' which was purchased in its rough state for 11,200*l.*, and which greatly raised expectations as to the diamond-producing character of the country. Many other diamonds, some of considerable value, were subsequently found, and it became evident that a new and vast source of wealth was about to be opened to the inhabitants of South Africa.

These discoveries were made in districts of considerable extent to the north of the Orange River (the northern boundary of the Cape Colony), and in that part of the country, near the confluence of the Orange and Vaal rivers, to which allusion has already been made as having been occupied by the Griquas at the time of the emigration of the Boers in 1836. Long before the discovery of diamonds, disputes as to territorial rights in this country had existed between the Griqua chief Waterboer and the Government of the Orange Free State. The former had constantly endeavoured to induce the latter to submit their differences to the arbitration of the Governor of the Cape, as Her Majesty's High Commissioner, and Sir Philip Wodehouse had expressed his readiness to arbitrate. The Free State, however, desired to limit the arbitration to the case of certain lands called the Campbell lands, on the right bank of the Vaal, whilst Waterboer also claimed other lands upon the left bank. The Griqua chief had even offered, without prejudice to his further claims, to submit to arbitration the question of right to the Campbell lands alone, and this would probably have taken place but for the departure of Sir Philip Wodehouse from the colony.

This, then, was the position of affairs when the discovery of diamonds was first made. The opening of this new field of enterprise was speedily followed by the influx into the favoured districts of persons from all parts of South Africa, and ere long from other quarters of the globe. The Cape, Natal, the Free State, all furnished their contingents, but the enterprising 'Britishers' soon formed the majority of the diggers. Under the direction of Mr. Stafford Parker (a Cape colonist) they enrolled themselves into a 'Mutual Protection Society,' framed rules for the regulation and management of the 'settlement,' and appear to have preserved order and decency to a degree highly creditable to their character and organisation.

To these people, who believed themselves to be engaged in a legitimate undertaking, in a country which according to all appearance and by the accounts of the natives was under no civilised jurisdiction, and had been previously almost unoccupied, or very sparsely occupied, and that only at times for nomadic purposes, the pretensions of the Boer authorities were not likely to be palatable. Moreover the Griquas, far from objecting to the influx of diggers, viewed their approach with pleasure, and Waterboer, who had been long desirous of coming under the protection and sovereignty of Great Britain, saw in this new phase of affairs fresh grounds of hope that his wish might be accomplished, and that the security of his territory from the land-loving Boers might thus be guaranteed. That the latter had no real or tangible authority over the diamond-field districts is tolerably well proved by their inability in any way to control the community of diggers from the very first, for, had they really possessed the power of prevention, it is hardly likely that they would have tolerated the irruption of the latter, save under stringent conditions. After the first opening of the diggings, the number of persons engaged in this pursuit had rapidly increased. In September 1870, the number of British subjects was estimated at not less than five thousand persons. In the early part of the present year this number was stated to have increased threefold, and advices from Capetown of the date of July 20th, report that 'the population now at the fields are estimated at *thirty-four thousand persons*, of whom 30,000 are Europeans.' It is evident, therefore, that the question had for some time been becoming one of daily increasing importance, as to the establishment of some settled authority, and the recognition of some legitimate civilised jurisdiction.

The dispute between Waterboer and the Free State had become a matter of considerably greater moment to both parties as soon as the discovery of diamonds had converted a barren district into a valuable possession. But for this discovery, it is probable that neither Boers nor Griquas would have troubled themselves much as to the exact boundaries of the territory in question; but the complexion of affairs was now altogether changed. Accordingly, the matter was brought to a crisis in August 1870, by the appointing and holding of a conference at Novitgedacht, on the Vaal River, between the chief Waterboer and Mr. J. Brand, President of the Orange Free State. This conference, however, was productive of no satisfactory results, for Waterboer, finding that no solution of the differences between the two Governments was likely to

be arrived at, withdrew, or, according to President Brand, 'abruptly retired' from the conference. The President, however, was not to be deterred by this event, but immediately proceeded to issue a proclamation which, considering all the circumstances of the case, is scarcely to be matched for its cool audacity. In this proclamation Mr. Brand announced that

'Whereas the Executive Council (of the Free State) has given to the Griqua Captain, Nicolaas Waterboer, an opportunity to prove his alleged claims to the Campbell grounds; and whereas the Executive Council, having considered the proofs, as well on the side of the Orange Free State as on that of the said Captain, so far as the same were produced, *from which it appears that the said Captain has no rights whatsoever, &c., &c.*; and whereas it is further proved that the Campbell grounds lying to the north of the Vaal River run as follows (here follows a description of the locality), *therefore I herewith proclaim that the grounds as above described are the property of the Orange Free State*, and warn all and sundry to make no encroachments thereupon; the lines as above described will, by a Commission to be nominated by me, be beaconed off, on Thursday, 22nd September, 1870, beginning at the junction of the Harts and Vaal Rivers.'

It will be seen from the wording of the above that the authorities of the Free State, having constituted themselves judges in their own case, were prepared to take immediate steps to carry their judgment into effect, and to appropriate the disputed territory. In accordance with this resolution, President Brand followed up his proclamation by the appointment of Mr. O. J. Truter as commissioner of the diamond fields on the south side of the Vaal River.

Fortunately, however, for the interests of the Griqua chief, of the British diggers, and it would hardly be too much to say, of public morality, the government of the Cape was at this moment in the hands of a man worthy to represent the name and honour of England. It was to Lieutenant-General Hay, commander of the troops at the Cape, and temporarily administering the government in the interval between the departure of Sir Philip Wodehouse and the arrival of his successor Sir Henry Barkly, that the complaint and protest of Waterboer were addressed consequent upon the above proclamation. General Hay took prompt and decisive action. On the 15th September, as soon as he had learned from the newspapers the step which had been taken by President Brand, he addressed a despatch to the latter, calling attention to the claims of Waterboer, to his expressed desire that Her Majesty the Queen should exercise sovereignty over his country, and to the fact that as the question was about to be submitted to Her Majesty's Government, and as the ownership of the territory was doubtful, and

the disputed points unsettled, it would be premature for the Government of the Free State to proceed to the planting of beacons as stated in the proclamation. After this despatch had been written, information having arrived at Capetown of the appointment of Mr. Truter and the assumption by the Free State of jurisdiction over a large number of British subjects then residing upon the diamond fields, General Hay with commendable promptitude forwarded to President Brand another despatch, setting forth the grounds upon which it appeared that at least a *prima facie* case existed in favour of Waterboer's right of sovereignty, and stating that as the Griqua chief had always acted in a faithful and friendly manner towards Her Majesty's Government, he was entitled to their consideration, and that the claim of the Free State could not be acknowledged. Concurrently with this despatch, General Hay issued a Government notice, warning British subjects of the true state of the case, and cautioning them against committing themselves to acts of territorial aggression, which might hereafter be disallowed; and on the same day he addressed a despatch to Pretorius, President of the Trans Vaal or South African Republic, who had also advanced claims to a portion of the diamond fields, reminding him of the non-admission on the part of the British Government of the territorial rights assumed by his proclamation of 1868, and urging upon him in very strong terms the necessity of abstaining from encroachments, without lawful and sufficient cause, upon the possessions of native tribes in friendly alliance with Her Majesty's Government.

In his letter of this date (19th September) to the President of the Free State, General Hay intimated his intention of appointing a British magistrate under the provisions of the Act 26 and 27 Vict., entitled 'An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa.' This Act authorised the Governor of the Cape of Good Hope to appoint a magistrate in any territories within a certain distance of the colony, 'not being within the jurisdiction of any civilised Government,' for the purpose of preventing the perpetration of crimes, and of arresting offenders against the law. Taking into consideration the state of the diamond districts, and its population of British subjects, General Hay had determined to proceed under the powers of the above-mentioned Act in the case of the diamond-field region; and accordingly on the 30th November, 1870, he proceeded to appoint Mr. John Campbell as magistrate, to act within an area of territory limited and defined as follows:—

'From Ramah, on the Orange River, in a straight line to David's Graf, near the junction of the Riel and Modder rivers, thence in a straight line to Platberg near the Vaal River, thence to the Vaal River; thence up the said river to its junction with the Vel River; thence from the said river in a straight line to the mission station above Boetsaap on the Hart River; thence in a straight line to Boetsaap; thence in a straight line to Kramer Fontein; thence in a straight line to Griqua Town, and from thence in a straight line to the junction of the Vaal and Orange rivers, and thence along the Orange River up to Ramah aforesaid.'

A glance at the map will show that this magisterial district included the greater part of the territory in dispute, and was little likely to be accepted by the Boers, with whose plans its formation directly interfered. They accordingly protested at once and energetically against General Hay's intention, which he nevertheless carried out, in accordance with the strongly expressed wish of the diggers and of Waterboer, who, after leaving the conference at Novitgedacht, had by a public notice declared his inability to exercise effective jurisdiction, and had requested the interference of the British Government to preserve peace and order.

Mr. Campbell arrived at Klipdrift on the 13th December, and was received by the diggers with a cordiality amounting to enthusiasm. Addresses were presented to him from the 'Mutual Protection Association Council Chamber,' and from a large number of diggers, assuring him of their allegiance to Queen Victoria, and of their readiness to afford him, as Her Majesty's representative, all possible support and co-operation. Mr. Campbell replied in suitable terms, and proceeded to set about the somewhat difficult task before him with an ability and discretion which fully justified his appointment. Being armed only with the general powers conferred upon him by the Act of the Imperial Parliament, he could at first do little more than infuse a spirit of moderation into the counsels of the digging community, and prevent collisions between them and the authorities of the republics.

This was by no means an easy matter, inasmuch as the Free State and Trans Vaal Governments still denied the right of Her Majesty to interfere, and claimed as their own the territory over which Mr. Campbell had been appointed to exercise jurisdiction. Although these two republics had at first advanced claims which appeared to conflict with each other, they had amicably arranged their differences after Waterboer's departure from the conference, the Free State appropriating the left, the Trans Vaal Republic the right, bank of the Vaal River. By this pleasant little arrangement, the former Government

assumed to itself the diamond diggings at Pniel (then the richest discovered), whilst the latter obtained those at Hebron and Klipdrift, poor Waterboer being left out in the cold with but a comparatively small portion of territory known to be diamondiferous.

Sir Henry Barkly, who had been appointed to succeed Sir Philip Wodehouse as governor of the Cape Colony, arrived at Capetown in December 1870; and it will be well to pause at this point of our narrative in order to consider the weight to be attached to the respective claims upon the diamond territory which Sir Henry found in dispute upon his arrival in the Colony. The claims of Nicholas Waterboer may be briefly explained. He was the son of that Andreas Waterboer who had originally emigrated from the Cape Colony, and between whom and Adam Kok, as has been already stated, the Griqua sovereignty had been divided. In 1834, a formal treaty had been entered into between this chief and the British Government, in which the boundary of the Griqua territory on the Colonial side is described as from Keis on the Orange River, up the course of that river to Ramah, being the boundary claimed by Nicholas Waterboer at the present time. Andreas Waterboer died in 1852, and although Sir George Cathcart held the opinion that the treaty, faithfully observed by that chief throughout, had been a personal one with him, yet it was eventually settled, during the governorship of Sir George Grey, that the payments made under the treaty should be continued to his son, who has remained the faithful ally of England. Nicholas Waterboer, then, himself an elected chief, rested his claims to the disputed territory upon the hereditary right of his tribe, and as the head of a Christian people of mixed blood, more advanced in civilisation than other tribes, and for fifty years in friendly alliance with England, claimed the protection of the British Government against those who wished to dispossess him, and whom he alleged to be intruders upon his territory.

On the other hand, the claims of the two republics require more explanation. They partly rested upon powers supposed to have been transferred by the British Government at the time of its abdication of sovereignty in 1854, and partly upon certain more definite transactions which must be subsequently described. The first point requires little comment. So far as the claims of the two republics are based upon any proceedings to which the British Government was a party in 1852-4, they must be at once pronounced to have no validity whatever. Neither in the recognition of the Trans Vaal Boers in 1852,

nor in the abandonment of sovereignty in 1854, can it be said that any boundaries were settled or admitted which in the least degree affect the question of right to the diamond-field territory.

The convention between the Trans Vaal emigrants and the British Government, represented by Major Hogge and Mr. Owen, states:—

‘The Assistant Commissioners guarantee, in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River *the right to manage their own affairs and to govern themselves without any interference on the part of Her Majesty the Queen’s Government* on the territory beyond the north of the Vaal River.’

Whilst another clause goes on to say,

‘Should any misunderstanding hereafter arise as to the true meaning of the words “the Vaal River,” this question, in so far as regards the line from the source of that river over the Drakensburg, *shall be settled and adjusted by Commissioners chosen by both parties.*’

The proclamation of 1854 simply declares that, whereas Sir Harry Smith had in 1848 proclaimed Her Majesty’s sovereignty over certain territories (reciting the words of his proclamation), Her Majesty now, for herself, her heirs and successors, ‘abandoned and renounced all dominion and sovereignty over those territories, which, in the letters-patent of 1851, had been designated the Orange River Territory.’ In neither of these instruments is there any mention of boundaries; and it is clear enough that all which they effected or were intended to effect was the withdrawal of British authority over certain tracts of country in which, or in parts of which, the emigrant Boers had settled, the emancipation of the latter from their allegiance to the Queen, and the declaration that henceforth they might govern themselves as they pleased.

There were, however, several articles in the convention of February, 1854, signed between Sir George Clerk and the delegated representatives of the Boers in the Orange Territory, which bear upon the question now under consideration. Article 2 (to which we have already seen allusion made by Moshesh) ran as follows:—

‘The British Government has no alliance whatever with any native chiefs or tribes to the northward of the Orange River, *with the exception of the Griqua chief, Captain Adam Kok*; and Her Majesty’s Government has no wish or intention to enter hereafter into any treaties which *may be injurious or prejudicial to the interests of the Orange River Government.*’

Upon this article the Free State authorities relied as for-

bidding the British Government to interfere on behalf of the native tribes with whom they might have territorial differences subsequently to the formation of their Republic, and attention must also be directed to Article 3, in which it was declared that Her Majesty's Government intended to 'remove all 'restrictions preventing Griquas from selling their lands, 'Adam Kok having concurred in and sanctioned measures to 'this effect.' It may here be observed that in this as in the Trans Vaal convention, there was a clause forbidding the Boers to 'permit slavery or trade in slaves in their territory 'north of the Orange River.'

It was evident, therefore, that to establish their claims to the territory of the diamond fields, the republics must look to something above and beyond the provisions of the above-quoted conventions. Accordingly, we find that the claims of the Free State Republic principally rest on the alleged sale of lands by Henry Harvey, the authorised agent of Captain Adam Kok, to numerous emigrant farmers, subjects of the Orange Free State Government, in the year 1861.

It would be wearisome to enter into all the details of these transactions, which are fully set forth in the correspondence laid before the Cape Parliament by Sir Henry Barkly in the present year, and which will doubtless be found in the papers about to be presented to the British Parliament. They may, however, be thus briefly epitomised. The case of the Orange Free State is that Adam Kok, chief of the Griquas in the Philipolis or Eastern District, gave authority to Henry Harvey, as his agent, to sell certain lands, including those belonging to his unele, Cornelius Kok, whose heir he was—that the Government of the Free State accordingly purchased in 1861, for the sum of 4,000*l.*, those lands adjacent to the Vaal River which are now in dispute—that due notice of such purchase was given by a proclamation in the 'Government 'Gazette' in October, 1862, and that everyone was warned against exchanging, purchasing, or taking possession of the said grounds. Moreover, it is stated that in 1855 Adam Kok, with the consent of Waterboer and Cornelius Kok, and at the request of the Free State, drew up and described in writing the line of boundary between the above-named two chiefs known as the Vetburgh line), and that such description answers to the boundary now claimed by the Free State as purchasers of the lands of Cornelius Kok. And it is further alleged that within this boundary-line are many farms, occupied by Boers, the owners of which received certificates from the British Resident, Major Warden, prior to the abandonment of

the sovereignty in 1854, and who are clearly subjects of the Free State.

The answer of Waterboer to these allegations may be summarised with equal brevity. It is contended by the Griqua chief that in the division of territory between his father and Adam Kok in 1838, a boundary-line was clearly laid down between East and West Griqua land—that all the grounds said to have belonged to Cornelius Kok being to the west of that line, Adam Kok never had or claimed to have any authority to dispose of them—and that Cornelius was really only a petty chief, inferior to Waterboer, and residing on sufferance in his country, which he had no power whatever to alienate. Moreover, that Adam Kok was not the heir of Cornelius Kok, and, if he was, could only have disposed of his private property, and could not have sold the country of another government—that Waterboer was no party to the Vetburgh line, that he had always protested against the claims of the Free State Government, and that the proclamations of the latter afforded no sort of proof of the validity of their title. Further, it is said that the certificates issued to the owners of farms were issued to persons living on the lands, were granted on provisional and temporary terms pending further inquiry and approval of the then High Commissioner, who had not authorised the issue, and did not subsequently sanction it.

Waterboer's case is supported by the articles of the treaty between his father and Adam Kok, which appear to define the boundary exactly as he claims it; by answers given by both these chiefs to inquiries respecting their boundaries made by the Capetown Colonial Office in 1845; by a notice of Adam Kok in 1848, warning persons who had gone into 'various districts of Campbell and Griqua lands,' that they were 'consequently' beyond his jurisdiction, and under that of Waterboer; by Adam Kok's power of attorney to Henry Harvey in 1861, clearly referring only to lands within his own district of Philipolis; and by a notice purporting to be signed by Adam Kok on 27th May, 1863, stating that his attention having been called to a proclamation of the President of the Free State to the effect that, as heir to the late Cornelius Kok, he had sold all the rights of the said C. Kok, as well on the south as on the north side of the Vaal River, he begged distinctly to make known that those rights so sold, were limited to the south bank of the Vaal River, and in no way referred to territory north of the Vaal River; a letter moreover from Adam Kok in September, 1869, explicitly denies that he sold the Campbell lands to the Free State Government,

or indeed that any such power to sell was given to his agents by him, and declared that his name had been 'falsely used.'

Although the Free State met these statements with an affirmation that Waterboer had been a party to the 'Vetburgh line,' and that Henry Harvey had another power of attorney from Adam Kok which clearly empowered him to sell the lands in question, it must be evident at once to a candid inquirer that the claims of the respective parties were such as might and ought fairly to be submitted to arbitration. This was the view taken by General Hay in his communications with the President of the Free State in the autumn of last year, and thereupon the latter had angrily written on 27th October:—

'Before Her Majesty's Government has decided upon the Chief Waterboer's application (to be taken under British sovereignty) and the protest of the Orange Free State against it, your Excellency sides with the Chief Waterboer and against the Government of the Orange Free State, which has always endeavoured to maintain amicable relations with Her Majesty's Government and the Cape Colony.'

To this General Hay returned answer on the 12th November, in a despatch justifying the course which he had taken as necessary for the protection of British subjects, and induced by the fact of the Free State Government having constituted themselves judges in their own case to the detriment of a chief in friendly alliance with Her Majesty.

This despatch was crossed by one from President Brand of the 3rd November, reiterating the arguments of his Government, maintaining that the principle of Sir Harry Smith's proclamation in 1848 had been that all inhabitants of the Orange River Territory should remain in possession of the lands then held by them, that upon that principle land certificates had been issued to persons holding farms within the Vetburgh line, and that if the British Government were to interfere in every dispute between native chiefs and the Orange Free State, the independence granted to the latter by the convention of 1854 would become 'a delusion.'

To this despatch General Hay replied on November 18th by an exhaustive statement of the whole case, written in a dignified and temperate spirit, admirably summing up the arguments and allegations on either side, and explaining the position of the British Government with respect to the disputants.

This, then, was the state of affairs which Sir Henry Barkly found when he arrived at Capetown at the end of December, and was immediately requested to accord an interview to President Brand and Mr. Hutton on the part of the Free

State, those gentlemen being 'fully convinced' that they would be able 'clearly to show that Waterboer's claim is 'wholly untenable.' Although it was unlikely that matters so complicated could be decided offhand and finally by a conversation between the High Commissioner and the Free State authorities, Sir Henry thought it best to accede to the request of the latter without delay. As the result of this interview, Messrs. Brand and Hutton forwarded to Sir Henry Barkly on the 12th of January last numerous documents, including the resolution of the Free State Volksraad in 1867 to acknowledge only the Vetburgh line, various land-certificates showing that Waterboer's line would cut off 'more than eighteen British 'land-certificate farms, and upwards of eighty farms sold by 'Cornelius Kok and his subjects;' and also papers purporting to prove that Cornelius Kok had been an independent chief, that Waterboer had agreed to the Vetburgh line, and that Free State Courts had since decided boundary questions within that line without their jurisdiction ever being called in question. On the receipt of this communication, Sir Henry, 'whilst acceding all possible weight to these documents,' declined to accept them as conclusive until Waterboer had been afforded an opportunity of making his comments upon them, and suggested also that the copies of documents produced should be verified by comparison with the originals. To this President Brand and Mr. Hutton assented, at the same time stating that they did so 'not with a view of their being submitted to 'Waterboer for comment, but for the purpose of giving the 'Governor himself every information.'

Accordingly, on the 19th January, Messrs. Southey and Griffith, the Colonial Secretary and Attorney-General of the Cape Government, inspected the documents produced by the Free State authorities, but found omissions and inaccuracies which greatly diminished their value. For instance, a declaration by one Rabie in 1870 gave a 'very different version of 'what took place in Griqua Town' at an interview with Waterboer from that which he had given in a report of the same in 1854; a letter was produced purporting to have been written by Cornelius Kok, who was admitted by President Brand and Mr. Hutton to have been *unable to write*; and another letter, stated to have been written by Waterboer, had a signature unlike the usual signature of that chief, and its authenticity was understood to be denied by him.

The Free State authorities having renewed to Sir Henry Barkly their protest against the interference of the British Government, which they held to be barred by the convention

of 1854, Sir Henry addressed to the President on the 23rd January two communications which placed the matter in the most intelligible light:—

‘That convention,’ he states, ‘was meant, as it strikes me, to give full assurance to that small body of settlers that the powerful native tribes by whom they were surrounded would never, directly or indirectly, be aided or encouraged by the British Government in any aggressions they might commit; but it was never, I conceive, designed to pledge that Government to refrain, in the then improbable event of those settlers becoming in the course of years numerous and strong enough to dispossess the natives of lands beyond the ample territories made over to them, from adopting such measures as the welfare of the Cape Colony or the security of its frontier might render expedient. That these views are in accordance with those entertained by Her Majesty’s Government is, I think, demonstrated by the reception of the Basuto nation as British subjects in 1868, *and there can be no greater impediment now to the reception of the Chief Waterboer and his people.*’

And, dealing with the question of Cornelius Kok’s sale, Sir Henry pertinently observes:—

‘I am at a loss to conceive on what principle, even supposing these sales had all been made to subjects of your Government, *the transfer of property in land situate within one state to the subject of another can transfer the sovereignty over the land from the Government of the vendor to that of the purchaser*, or on what principle while the sovereignty remained, according to your Honour’s theory, in Cornelius Kok and his successors, the Free State Government permitted these lands to be enrolled in its land register; and this enregisterment seems even more unaccountable when we find that *many of the persons to whom the Griquas sold were subjects either of Great Britain or of other States foreign to the Orange Free State.*’

In these communications Sir Henry Barkly referred to the statement of Waterboer that several of the Free State documents were forgeries, notably one in which an enregisterment in their books in 1860 was allowed to be made by one Corner, representing himself to be acting under authority given him by Cornelius Kok, who had died in 1856. In their reply, the Free State authorities asked for proof of this allegation, and having received the Governor’s answer, returned home at the close of the month.

Anxious to ascertain for himself the best possible information relative to the affairs of the diamond-field territory, Sir Henry Barkly had determined upon a personal visit to that region of South Africa; and accordingly, after a short stay at the seat of government, he set out upon an expedition northwards, and arrived at Klipdrift, 720 miles from Capetown,

upon the 26th of February. The state of the diggings at this time has already been described. Mr. Campbell, with a rival Free State Commissioner at Pniel, and a Trans Vaal functionary at Hebron, had been performing his duty with combined firmness and caution, in spite of the protest of the Boer authorities, and indeed had succeeded in preventing a rising of native tribes against the latter, and had exercised a soothing influence which had probably prevented complications of a grave and painful character. Having received direct authority from Waterboer, and being continually pressed by the diggers, he had at last judged it necessary to take further steps, and accordingly in January of the present year, issued notices warning persons not to purchase land without his sanction, or pay licence duties to others than himself, and calling also for tenders for the erection of a gaol at Pniel, and for forage for a body of mounted police.

Upon his arrival at Klipdrift, Sir Henry Barkly received from President Brand a formal protest against these proceedings, accompanied by an inquiry whether the notices of Mr. Campbell were issued by the authority of Her Majesty's Government. As the Governor's instructions from the Home Government did not permit him at once to accept Waterboer's allegiance, he was unable to take that decided and resolute tone which would probably have gone far to check the pretensions of the Free State. His attitude, however, was sufficiently firm to inspire confidence in the digging community, who were overjoyed at his visit, and in large numbers presented to him addresses of welcome, and expressed their great satisfaction at his appointment. Waterboer and other native chiefs also presented an address couched in similar terms, repeating their desire to be received as British subjects, to which Sir Henry replied in friendly and reassuring words.

Meanwhile the Trans Vaal authorities had shown themselves more amenable to argument than their brethren of the Free State. In October, 1870, President Pretorius had replied to General Hay's despatch in a reasonable and not unfriendly spirit, stating that the claims of his government were made in respect of agreements entered into at different times with native chiefs; that their validity appeared to be supported by the abandonment of the Free State of their claims to the particular land to which they related, but that the South African Republic had no wish unduly to enlarge its limits, and it was not *his* (the President's) fault that the matter had not been already settled in an amicable manner by arbitration. And soon after Sir Henry's arrival at Klipdrift, he was able (March

2nd), after a lengthened conference with President Pretorius, in which Waterboer and the other chiefs took part, to inform President Brand that his brother president had agreed to the appointment of a joint commission, viz., John Campbell on the part of the chiefs, and Anthony Alexander O'Reilly on the part of the republic, to take evidence as to the boundaries in dispute between them, taking as a referee, in case of difference, Mr. Keate, the Lieutenant-Governor of Natal. Pending this arbitration, British subjects within the disputed line were to be under the jurisdiction of the British magistrate alone.

In answer to this communication, President Brand replied that the Free State would not agree to any such arbitration; that they had protested against the reception of the Basutos as British subjects, and equally now protested against the reception of Waterboer, and that they would maintain the Vetburgh line, and that alone. They would, however, be willing to refer to a foreign Power—the President of the United States of America or the King of Holland—two questions:—

‘Firstly, Whether, under present circumstances, Her Majesty’s Government can, consistently with the true intent and meaning and the spirit of Article 2 of the Convention, accede to the request of Captain Waterboer.

‘And secondly, To decide, as arbitrator, on the validity of the title of the Orange Free State Government to the Campbell lands—that is, the lands to the north of the Vaal River.’

After a further interchange of letters which was productive of no satisfactory result, Sir Henry left the diggings to visit Basuto-land. Scarcely, however, was his back turned when President Brand, determined to enforce the authority of the Free State over the disputed territory, called out a ‘com-mando’ of a thousand armed Boers, with four pieces of artillery, with directions to march into the ground for this purpose. Upon the 20th March, as soon as this information reached him, Sir Henry Barkly addressed a protest to President Brand, expressing his astonishment at this step on his part, declaring that ‘it was difficult to regard it in any other light than an attempt to levy war upon the Queen of England, and that it was his fixed determination to repel force by force, and to protect Her Majesty’s subjects by every means in his power from all interference by Free State authorities, whilst pursuing their lawful calling in the territory claimed by Waterboer, so long as the question of title to that property had not been disposed of by competent authority.’

At the same time the Governor addressed a further despatch to President Brand, commenting upon the question of the con-

vention of 1854, and pointing out, *inter alia*, that by that convention Her Majesty's Special Commissioners agreed to transfer the government of the Orange River Territory to the *representatives delegated* by the inhabitants to receive it; that such government never embraced the territory or people of the independent native chiefs, and the persons authorised to receive it were delegates from districts in none of which were the lands of Waterboer, Moshesh, and other native chiefs, included, which lands could not therefore have been affected by the transaction. President Brand replied upon the 23rd March, denying any intention of levying war upon the Queen, but asserting that he had told the Governor at Klipdrift that he saw no other way left to the Free State but to call out a 'commando' for the protection and maintenance of the Vet-burgh line. This was immediately and explicitly denied by the Governor, who was corroborated in his recollection by Mr. Bowker, Commandant of the Cape Mounted Police, who had been present at the interview.

But Sir Henry Barkly took other measures besides writing despatches. He promptly ordered up the whole available force of mounted police to Hopetown, in readiness to protect the British subjects who were threatened by the Free State commando. As far as can be gathered from newspaper reports, it does not appear that this commando was very extensively obeyed by the Boers, or that any number nearly approaching a thousand ever assembled. The Volksraad meanwhile had met, and having received from President Brand information as to what had passed, they agreed to certain resolutions, which were forwarded to Sir Henry Barkly in the first week of April. They expressed their regret that the British Government appeared to think Waterboer's claim the best; they declared that impartial and unprejudiced arbitrators could not be found in South Africa, and they empowered their President to offer to submit to the arbitration of the Emperor of Germany, the King of Holland, or the President of the United States, *the jurisdiction of the Free State over the disputed grounds to be maintained and exercised pending the decision*. Moreover they stated that if these terms were assented to, and Mr. Campbell's notices withdrawn, their armed force should be recalled. Sir Henry Barkly replied with great propriety that he would entertain no project for arbitration on the terms proposed, until the commando had been withdrawn; and on the 4th May, the Volksraad instructed their President to take immediate steps for such withdrawal. It is probable that the firm tone of the Governor

had something to do with this prudent step, backed as it was, moreover, by the attitude of the diggers, who had determined to resist to the last any attack by the Boers, and who, it was evident, would in no case submit to the Free State authorities.

Against this large body of men, more or less organised and armed, sure of the sympathies and support of the native tribes, and encouraged by the hope of British aid, the Boers would have found it difficult to hold their own; and it was not surprising that the force summoned by the President's commando rapidly melted away and disappeared. The step, however, which Mr. Brand had so rashly and prematurely taken had the natural effect of causing great irritation among the community of diggers, and rendering more than ever impossible the jurisdiction of the Free State over the disputed territory. But the failure of their commando, the attitude of the British Government, and the hostility of the diggers, failed to convince the Free State authorities of the weakness of their position, or to prevent the continuance of their attempt to appropriate the diamondiferous region. With a pertinacity characteristic of their Dutch origin, they adhered to the views and arguments with which they had commenced the controversy.

Upon the 2nd June the Volksraad took into consideration the last letter of Sir H. Barkly, and 'having perceived that 'His Excellency seems to have misunderstood the resolution 'of the 5th April last, inasmuch as he represents the question 'which the Volksraad consented to refer to arbitration, as a 'dispute between the Government of the Orange Free State 'and Captain Nicholas Waterboer, whilst the Volksraad considers it a dispute between the British Government and that 'of the Orange Free State,' passed certain resolutions declaring their adhesion to the views already expressed. To which Sir Henry replied by a despatch, again stating the views of the British Government, and terminating with an expression of regret that all attempts at a fair settlement had so far failed, and that it only remained for Her Majesty's Government to determine what further measures should be adopted for the support of her ally, and for securing the rights and privileges of her subjects.

In this critical state of affairs it is hardly possible that the interests of Great Britain and the colonists at the Cape could have been confided to better hands than those of Sir H. Barkly. His service of upwards of twenty years in British Guiana, Jamaica, Victoria, and Mauritius, had proved his capacity for colonial government, and had justly earned for him the confidence of his Sovereign and his country. Now,

however, that we have traced the conduct of affairs by the British authorities upon the spot, it is time that the question should be asked, what has been the action of the Home Government during and with respect to the proceedings which have been described? Fortunately for the dignity and character of England, her colonial administration had been placed in no feeble or vacillating hands. The man who had steered Ireland through one of the most dangerous periods of her history, and the vigour and ability of whose administration during that difficult time had justified the expectations of those who had selected him to fill the office of Viceroy, was little likely to be influenced by the timidity and hesitation which had characterised our South African policy in 1851-4, so far as they have been made known to the Cape Parliament. Lord Kimberley's despatches, written in a calm and dignified spirit, have from first to last conveyed, in no doubtful tone, the wise and firm policy upon which her Majesty's Government had determined. Upon the first intimation of the desire of the Griquas to be received as British subjects, Lord Kimberley had placed the matter upon its true footing, namely, as one in which England could have no concern so far as it was to be considered as an extension of her power and dominion, but which she should and would be ready to entertain and regard in a favourable light, in so far as it might be shown to be a question affecting the welfare and interests of the Cape Colony, and for the solution of which, in accordance with those interests and with the wishes of the colonists, her sanction and consent to necessary measures would be asked.

On the 6th November, 1870, Lord Kimberley addressed to General Hay a despatch, formally approving the course which he had taken in his communications with the Free State President in the month of September; and on the 17th November he informed Sir Henry Barkly that 'although her Majesty's Government had no desire to extend the South African colonies, in the then anomalous condition of the government of the Cape, the case might be altered if that colony were willing to adopt responsible government, and to take upon itself the burden of protecting the newly-acquired territory.' In subsequent despatches the same tone was adopted; and a despatch of the 24th January of the present year informed Sir Henry Barkly that the matter would be left in his hands, with a caution to him not to be a party to the annexation of any territory which the colony would not be able to govern and defend by its own resources.

The subsequent despatches of the Secretary of State for the

Colonies will probably be given in the papers which have been promised to Parliament, and they will doubtless show that the course which has been pursued throughout has been equally clear and decided. We know, indeed, from an answer given by the Under-Secretary of State, in the House of Commons, that Her Majesty has been advised to accept the cession of Waterboer's territory, provided that the Cape Parliament consent to undertake the government thereof; and we may feel assured that the projects of territorial aggrandisement on the part of the Free State Boers will not be encouraged by any vacillation or timidity in Downing Street. Lord Kimberley will be very unlikely to admit Mr. Brand's construction of the 2nd article of the convention of 1854, nor is it probable that he will consent to refer such a point to the arbitration of any foreign potentate.

Indeed, considering that the article in question occurs, not in a treaty between two independent Powers, but in a convention voluntarily entered into by her Majesty with a portion of her own subjects, it is evident that the interference of a foreign Power to interpret the intentions with which that convention had been framed is wholly unnecessary, and might be attended with great inconvenience. Moreover, if the British Government has no right to annex Waterboer's territory, the same might be said with regard to Basuto-land; and having advised Her Majesty to consent to annexation, Lord Kimberley's firmness and wisdom may be relied upon to refuse a proposal which could at best only lead to delay, during which the unsettled state of the disputed territory would probably lead to grave results.

The arbitration as to boundaries which has been agreed to by the President of the Trans Vaal Republic, appears to be also suitable to the case of the Free State; and when the papers are in our hands it will probably appear that such has been the view of the Secretary for the Colonies. Meanwhile, the despatches already quoted evince a tone at once firm and conciliatory, and Sir H. Barkly must have felt his hands strengthened by the knowledge of the confidence placed in him by his Government, and the tone of decision which characterised their communications.

Before these pages can be in the hands of the public, matters will probably have assumed a more certain and definite form; and it is to be hoped that a satisfactory solution may be imminent, if not already at this moment obtained. It is, however, possible that difficulties may arise from within the Cape Colony itself, where the Dutch element is strong; and, as

'blood is thicker than water,' latent sympathy for the Free State Boers may to some extent prevent that unanimity of action which, in the interests of the colony, is so desirable. Self-interest, however, is a strong ingredient in the composition of men of all nations, and this will not be wanting to the colonists in the consideration of the questions which are even now pending before the Cape Parliament.

The annexation to the Cape of such a valuable territory as that which is now in dispute between the Free State and the Griquas, cannot but tend to add materially to the progressive improvement of the colony. Nor are there wanting indications that she is at this moment entering upon a phase of her history in which the prospect of coming prosperity kindles the ambition and excites the patriotism of a young community. The financial affairs of the colony are decidedly in a position which may be deemed satisfactory, as will be shown by the subjoined figures:—

	1868.	1869.	1870.
	£	£	£
Revenue .	577,322	580,026	661,392
Expenditure .	668,086	648,732	625,874

Showing a gradual increase of revenue and decrease of expenditure, resulting in a surplus, in 1870, of 35,518*l*. The improvement has occurred mainly in the customs and land revenue; and although it may no doubt be partly attributed to the consumption by the new and increasing digger population of articles upon which duties are levied, yet it also affords evidence of internal progress which is highly satisfactory to the friends of the colony. The precious stones exported from the Cape in 1870 are said to have fallen little short of a quarter of a million in value, and there are no signs of any alteration save in the direction of increase, new diamond fields being constantly discovered, and a large area brought into working. Many of the diggers, moreover, being farmers, who, after a temporary migration to the diamond fields, will return to their flocks and herds, and employ their gains in adding to their farms, it is to be hoped that some portion at least of the wealth acquired in South Africa will be employed in the further development of her internal resources and the advancement of her local prosperity.

Moreover, besides the important question of the diamond fields, other events of magnitude are crowding upon us in connexion with Cape affairs. The subject of the adoption of a system of responsible government has been under the consideration of the Cape Parliament, and the bill for the intro-

duction thereof passed the House of Assembly towards the end of the month of July. It was, indeed, rejected by a majority of three in the Legislative Council, but rather upon the question of time than upon the merits of the Bill, the adoption of which cannot long be delayed.

Simultaneously with this discussion, the old Federation question has been revived, and a commission appointed by Sir H. Barkly to report upon the subject so far as relates to British possessions in South Africa, and at the same time the temper of the Cape Parliament has been evinced by the adoption on the 19th of July, of the following resolution upon the subject of annexation, proposed by the Colonial Secretary:—

‘That, in the opinion of this Committee, it is desirable and needful, as well for the interests of this colony as with a view to the maintenance of peace and order on our borders, that such a part of the territory commonly designated “the Diamond Fields,” as belongs to the Griquas of West Griqualand, under the government of Captain Nicholas Waterboer, or to the native chiefs and people living in the vicinity of the said Griquas, should, in accordance with the desire expressed by the large number of British subjects now located there, and with the sanction of Her Majesty the Queen, and the consent of the said Griquas and other natives, be annexed to the colony. And this Committee is further of opinion that, if measures, having for their object the annexation of the territories aforesaid and the good government of the people resident therein, are introduced into the House of Assembly by his Excellency the Governor, it is expedient that the House should give its most favourable attention thereto, and should do what in it lies to make proper provision for the government and defence of the said territory, and for meeting the expenditure that may be occasioned thereby.’

It may be that when the Free State and Trans Vaal Boers are convinced of the approval of annexation on the part of the Cape Colonists, as well as of the firmness and determination of the British Government, they may be induced to reconsider the course of action which they have heretofore indicated. If they call to mind, moreover, the long years of difficulty and trouble which have followed their separation from British sovereignty, they may even yet come to the conclusion that their own future, as well as the future of the Cape Colony and of Natal, will stand out all the brighter if separation and division can once for all be exchanged for friendly unity. Welded together under one strong government, a Federation of loyal and well-managed provinces in South Africa might, indeed, look forward to a great, happy, and prosperous future.

This question of the diamond fields is but one phase of colonial history. Its final solution may, indeed, be looked for

with some anxiety, but the ability and discretion of Sir Henry Barkly, supported by the firm and statesmanlike policy of the present Secretary of State for the Colonies, may be relied upon with confidence by those who await that solution. Let us trust that no recurrence by feebler men to the vacillation of 1851-4 may fetter that discretion or interfere with that policy. In the region of South Africa we have the finest climate in the world, a geographical situation important beyond measure when considered with reference to the other possessions of Great Britain, and a country possessing enormous capabilities of development. That development is already in progress: to guide and stimulate it by a judicious policy is in the power of Great Britain, and to that power is attached no little responsibility. A thrifty, cold, timorous, unfriendly policy may check the progress of the Cape and disgust the colonists. But we may hope for better things under our present *régime* at the Colonial Office. A hearty, generous tone of encouragement towards those who are about to help themselves, expressing the interest which Great Britain, as a mother country, takes in her distant children; and, whilst inculcating the lessons of self-reliance, at the same time assuring the colonists of the constant and watchful sympathy of the Government at home, will be amply justified by its beneficial results.

Nor can there be any valid excuse for a different line of conduct. Even economical considerations tell in favour of such a policy. The resources of South Africa have been shown to be more than sufficient to make her self-supporting; her products, and the increasing trade which will follow her gradual but certain development under an united and stable form of government, will not only relieve Great Britain from any apprehension of future expenditure to be incurred on her behalf, but will ere long more than repay the exertions and expenses of the past. Great as these have been, England will be amply rewarded if these efforts should result in the final pacification of a country for and in which so much of her blood and treasure have been expended, and in the permanent establishment of a system of government which will promote the welfare and happiness of the inhabitants of that country, and at the same time inscribe upon the page of history one more record of the contributions of English colonists to the cause of the civilisation and social progress of the world.

ART. VI.—1. *Systems of Land Tenure in various Countries.*

A series of Essays published under the sanction of the Cobden Club. 1870.

2. *Reports respecting the Tenure of Land in Europe.* Foreign Office. 1869.

3. *Programme of the Land Tenure Reform Association: with an Explanatory Statement.* By JOHN STUART MILL. 1871.

4. *Landlordism.* By DAVID SYME. 1871.

5. *NASSE on the Agricultural Community of the Middle Ages.* Translated by Colonel OUVRY. 1871.

IT is often matter of curious observation to note how long controversies will survive the importance, nay, the very existence, of the subject-matter out of which they arise. The two champions in Orlando Furioso went on fighting for the fair Angelica, inflicting grievous wounds and performing wonderful feats of fence, long after the lady in question had slipped out of their presence, aided by magic sleight. It was only on pausing to take breath that they discovered they had nothing left to contend for. And so, in philosophical discussions respecting matters connected with the progress of our race, it will every now and then happen that this progress outstrips the discussion itself; and while the partisans of the two sides are still engaged in argument respecting accuracy of facts or questions of terminology, society has opened a new chapter of existence, and the rival reasoners go on for a while with a contest of which they do not recognise the futility. Something like this has not unfrequently occurred in the wranglings of political economy. The arguments do not finally die out until some time after the practical problem has been solved by inevitable action. A similar state of things is now evincing itself in regard to another very favourite field for the exercise of philosophical ingenuity—the ‘small and great culture’ question, or rather questions. For it is of course one thing to maintain, as some do, that small farms, within a certain limit, can raise a greater net produce than large ones; another thing to contend for the moral and social advantages of small as against large proprietorships. In a scientific sense, the two questions are entirely distinct, and a good deal of confusion arises from allowing the one to slide into the other. But in respect of their bearing on practical life, they are of course closely connected. Large farm cultivation, together with sub-

division of landed property, may not be impracticable, but has not as yet been realised. And, taking the whole subject as one, few have excited of late years greater interest or been debated with greater vehemence. Mr. Mill and his school possess, at all events, the merit of having endeavoured to lead public opinion into a new mould, and met the generalisations of Arthur Young and his sectaries by generalisations quite as bold, and resting on proofs quite as plausible. That the contest still rages is evinced by the contents of the essays contained in the Cobden Club volume before us,* which has met with very many readers, suggested much discussion, and provoked some answers. In two at least of the essays (*On Land Tenure in France*, by Mr. Cliffe Leslie; in *Belgium*, by M. de Laveleye), the issue between peasant properties and large properties is the leading subject, and is treated with strong inclination towards the former alternative.

But none of the champions appears sufficiently alive to the fact that the debate on which they are engaged is rapidly and surely deciding itself, through causes with which their ingenious speculations have nothing to do. As between small and large cultivation, every improvement in machinery, communication, intelligence, every new railway which is made or telegraph line which is constructed, has its tendency to favour the latter and depress the former. Economy of labour, economy of material, economy of force, in short, in every way in which it can be applied or understood, is in favour of the large farmer and against the small one. The qualities of the latter, hard industry, scrupulous saving, thrift, and even skill in the subordinate sense, lose day by day their comparative importance. The qualities of the former, intelligence on the broader scale, combination, speculative audacity, readiness for the adoption of novel means for ancient ends; these, in the progressive contest of life, are acquiring more and more the mastery. This may be a hard saying; our sentimental preference may be all for the virtues of the peasant cultivators, rather than of the capitalist cultivators; but we cannot help it. Neither tender feelings nor abstract scientific principles avail aught against the march of events. Like Churchill's 'youth,' which

'Impetuous presses on to manhood's reign,
Impetuous presses on, yet with a cast
Of fond regret looks back on childhood past,'

* Why a club instituted in honour of the apostle of Free Trade should have become an exponent of 'anti-landlord' opinions and restrictive agrarianism, we are unaware, nor does the preface really explain. Mr. Cobden himself gave no countenance to such views.

we may pause in our career to regret the better features of a state of things which has passed and is passing away ; but we cannot recall them. And we must remember in addition a law which is too apt to escape our memory ; that any impulse given to social progress in one direction, until some cause of arrest arises, increases in intensity and rapidity. Not only is the world on which we look constantly moving on, but the rate of motion is always (as a rule) in course of acceleration. If capital is accumulated in fewer hands now than it was twenty years ago, the probable calculation is, not only that it will be concentrated in still fewer hands twenty years hence, but that the rate or percentage of accumulation will be greater for the next twenty years than it has been for the last. We have spoken hitherto of the increasing prevalence of large over small farmers, but the same truth is equally manifest (and for reasons similar, though not exactly the same) as to the increase and consolidation of estates in the hands of large proprietors. There are of course certain limits to this rate of progress in both cases ; but unless those limits are assignable—unless we can bring evidence of a commencing tendency to approach them—sound philosophy bids us rely on the continuance of the movement now proceeding.

It is essential to observe that the tendency of which we speak, and which we venture to term, in economics, the ruling tendency of modern society, is in no degree confined to what concerns the appropriation and cultivation of land. In all industries alike, the 'turn' is in favour of large capitals against small ; of engrossers against small retailers ; of the wealthy few against the many traders on a competence. Mr. Norman, one of the ablest of our old-fashioned scholars of Smith and Ricardo who survive, though by no means 'sensational' enough for the requirements of this generation, has expressed this truth in language better than any which we could substitute for it :—

'The writer,' he says, speaking of the Irish land difficulty, 'would even venture to hint that peasant proprietors are an institution which can hardly continue to exist in any country where property is thoroughly secure, and where an advanced state of industry in all its branches creates a demand for a numerous class of highly-paid labourers. In such a state of things the small landowner will infallibly sell his land, for which he will probably obtain from thirty to forty years' purchase, and employ his money more profitably. Peasant properties, cultivated by their owners, differ but little in principle from domestic manufactures ; and as these, unless in special cases, have yielded to the factory system, so will peasant proprietors gradually become either farmers or well-paid labourers, owning perhaps a house and garden, and placing

their savings in securities yielding a higher return than they obtained from a few miserable acres of the soil.'*

We quote the passage rather for the historical truth (so to speak) which it expresses, than as sharing in the author's anticipations as to the probable future of the dispossessed classes, which are a little too sanguine for us. Emigration, we fear, offers a somewhat readier solution of that riddle.

As surely as the industry of the mill devoured that of the cottage distaff, so surely, on a larger area, will accumulated fortune prevail in the contest with dispersed fortunes. It is of no avail to indulge in sentimental regrets over the law of progress, like the Ruskinian band of fanciful moralists, or in dark prophecy mingled with indignant denunciation, like our philosophers of the Comtist school; we must face the facts, for we cannot alter them. A state may indeed make laws prohibiting the accumulation of capital, as well as the accumulation of land; it is even conceivable that a state might enforce such laws; but it is perfectly clear that it can only enforce them at the cost of destroying or banishing that industry by which alone our community subsists. To arrest the course of events, at this expense, may be possible; to regulate it is simply impracticable, if failure alike in *à priori* reasoning and in repeated experiment may be held to demonstrate impracticability. It is the insoluble problem on which Socialists and Communists, Owenists, Fourieristes, Saint Simonians, Cabetians, and disciples of Louis Blanc, Comtists, and the more advanced trades' unionists, have tried their wits for a century in vain.

'It would be absurd' (remarks M. Bastiat, after enumerating several of these schools of destructive philosophy,) 'to suppose that only these modes of organisation are possible. Their number is unlimited. Every morning may bring forth another, more seductive than that of yesterday; and I leave it to conjecture what would become of humanity, if, when one of these discoveries had been imposed upon it, another and a more substantial one were suddenly to disclose itself.'†

How far some happier age than ours may succeed by and bye in connecting capital with labour through co-operative systems we cannot now investigate; it is a theory, as we all know, in which many find the only point of light amidst their gloomy anticipations of the future. But we are now concerned

* From an article in the 'Economist' (February 22, 1868), reprinted—unluckily not republished—in Mr. Norman's privately-printed volume of 'Papers on various Subjects.'

† Œuvres, vol. iv. p. 284.

with only one province of the great industry question—that relating to land; and there are many reasons why co-operative experiments should be tried later, and succeed with more difficulty, in this than in any other.

‘The machinery doctrine,’ says Mr. Wren Hoskyns, ‘is, as applied to the soil, the doctrine of starvation to the labourer and dispossession to the small proprietor; and instead of being longed to the advance of knowledge, is a retrogression towards the time when a knight’s fee included a whole wapentake or hundred, and a count was territorial lord of a county.’ Why the ‘machinery doctrine’ should be that of starvation to the labourer we are altogether at a loss to understand. We fancied that economical observation, while leaving many a problem of cardinal importance as yet unsolved, had at least established this truth—that in the long run, the progress of machinery, whether in agriculture or in other industries, must tend to raise, not to depress, the condition of the labourer. But that it is the doctrine of dispossession, as far as the small proprietor is concerned, we fully agree. We believe this result, whether wished for or not, to be unavoidable, wherever the free transfer of land, and the free disposal of it by will, are practices recognised and acted on.

What, then, is the main cause which in the present day impedes that which appears to be the natural course of events—the gradual aggregation of land in the hands of the very few? The first is what M. de Laveleye terms the force of ‘agricultural associations’; in other words, the passion for land which induces the small proprietor, in countries where small properties prevail, to hold it even to his own evident loss, and with the certainty of perpetual poverty before him. Far be it from us to undervalue the singular tenacity of this sentiment. Wherever it exists, it determines to a great extent the character of a people. It forms one of the many exceptions to the general doctrine, which economists are forced to assume as the basis of their science, but which is so subject to limitation that it may almost be regarded for practical purposes as arbitrary—that men in the long run are guided in relation to the production and distribution of wealth by their pecuniary interests. Wherever this feeling operates, capital is kept aloof from employment on land, not so much by the high price of land, as by the ever-subsisting though passive combination to bar out the capitalist from the peasant circle. Such is practically the state of things in three-fourths of France; such it probably is, though less marked with extreme features of jealousy, in the greater part of Europe. But no such sentiment or ‘association’ exists in

England; the extension of the demesnes of the few is opposed by no attachment worth speaking of to the mere ownership of land as such; no obstacle therefore of this class impedes the progress of accumulation.

And it is with England that we are at present concerned. Arguments, therefore, founded on an alleged desire for small proprietorship which does not exist, are really beside the question. Nor can such a taste be created; in default of it, the State, if it wished to maintain the subdivision of land, must resort to compulsion. If some philosopher should succeed in effecting such subdivision into small holdings, these holdings would (we repeat) be united again, and reconverted into large estates, if people were only allowed to do what they would with their own. To guard against this otherwise inevitable result, restrictions must be placed on the size of estates far more operative than those which would follow from the mere abolition of primogeniture. We must have an agrarian law in constant action, or we must recur to something like the Jewish system, under which the soil reverted to its former owners every 'jubilee year.' In this way we might possibly maintain our principle of democratic macadamisation of property, but we could only maintain it at the expense of another favourite principle, that of the easy transferableness of land. The two are incompatible in countries where capital holds sway. You cannot have an open market for land, and at the same time prohibit capitalists from availing themselves of that market.

We have said that this tendency to the increase of landed estates belongs to countries in which capital abounds; where it is easily created and accumulated; countries advanced in what are commonly called the elements of material civilisation; while in those which are backward or stationary, the tendency to subdivision more readily prevails. And it happens that we have a kingdom near at hand, in which the transition from the latter condition to the first appears to be steadily progressing. Belgium has been known for centuries as the model region, both of small properties (with which we are now concerned) and of small farmers. But in Belgium moveable wealth is rapidly increasing under the influence of steady well being, and the fashion of investing moveable wealth in land is also on the increase. It is also a country in which good and practical laws facilitate that increase to the uttermost. And the result appears clearly enough from M. Emile de Laveleye's essay on the 'Land System of Belgium and Holland,' in the Cobden Club collection. Notwithstanding some scattered statistical

indications of a contrary character, Belgium, according to the following extract, is becoming a land in which the landlord-and rack-rent tenant system is growing up 'by the side,' as M. de Laveleye expresses it, of the old-fashioned peasant proprietorship. And this deduction is the more striking, because it is clearly contrary to M. de Laveleye's own wishes and convictions. He writes throughout as a strong advocate, and an able one, at once of the system of peasant proprietorship and of that of free commerce in land. It is to him an unwelcome fact, and one scarcely comprehensible, that the second is killing the first. But the proofs are before his eyes, and he is compelled by love of truth to bring them prominently forward:—

'The system of tenure usual in Belgium is a lease.' (The *Métayer* system, he explains, is out of date there.) 'The leases are very short; nine years at most as a rule; very seldom indeed for so much as eighteen years. On the other hand, yearly tenancy and tenancy at will are also very exceptional. All who devote attention to agriculture, even the agricultural societies, though consisting almost entirely of landowners, admit that the leases are too short. The tenant is not encouraged to improve, and, if he does make improvements, he can hardly be said to reap the benefit of them. The landlords will not grant longer leases, because they want, in the first place, to keep a hold upon their tenants; and, secondly, to raise the rents when the leases expire. It may be said that throughout Belgium such increases of rent take place regularly and periodically. . . . This is a farther proof of the proposition so clearly set forth by Mr. Mill, that while the rate of profit and of interest has a downward tendency in a progressive community, rent, on the contrary, tends to a rise incessantly. Thus, the landowners actually reap all the benefit resulting from the progress made by the entire community in various directions. Part of this progressive increase in rent may be traced to improvements made by the farmers in the cultivation of the soil. By raising the rent the landlord lays hold of this advance in the value of the land. The increase of the revenue the landlord derives from his land is not the result of improvements executed by himself; and the fact adverted to is a general one, which may be met with everywhere. In whatever cases landlords may have actually made improvements they have got the interest of the outlay in the shape of an additional augmentation of their revenue. For these reasons I think that the increase of rent, being due to the progress of society at large, and not to the exertions of the landowners, ought not in justice to benefit the latter alone. It would be but fair to divide this benefit. For a portion of it the tenant should come in; and this he would get if he had a longer lease. Another part of it should fall to the community at large in the shape of an increase of the land tax. . . . All this applies with equal force to the British Isles; but subject to some important restrictions; because, in the first place, English and Irish landlords do not put on the screw of a continual increase of rent with anything like the harshness

habitual with Belgian landowners. In the second place, the local rates in England are high, and are rising progressively. Thirdly, rents have been raised in England much less in proportion than they are in Belgium. Nevertheless, as regards the increase of rent, the land system of Belgium is inferior to that of England. In both countries, part of the clear profit of civilisation is sublimated, so to speak, and deposited in the state of increased rent in the landlord's exchequer, even though he is an absentee or a do-nothing. But where there are a great many landowners, a large proportion of its inhabitants must come in for a share in the increased rent. If, on the contrary, they are few in number, they monopolise the whole of the social benefit. In the former case, the working of the economic law of increasing rent will be harsher than in the latter; yet it will be acquiesced in when many benefit by it, while it must sooner or later arouse opposition where it tends to enrich a few families only. The system of rack-renting, which is so much censured in England, is generally practised in Flanders; nevertheless, the tenant bears it with all meekness, notwithstanding the sufferings it entails on him. In the United Kingdom the landlord would scruple to shear his tenants as they are shorn in Flanders, yet he does not escape reproach: and this is easily explained by the fact that, for one landowner in England, there are two hundred and fifty in Flanders. Still, on the whole, the system of tenure of land in Flanders is anything but worthy of imitation. There are too many tenant-farmers, and too few peasant proprietors; the leases are excessively short, and the rents excessively high.' (*Cobden Club Essays*, p. 253.)*

Now it is difficult to imagine, although M. de Laveleye shows no signs of perceiving it, any demonstration more cogent than this passage affords of the general truth, that the present state of the world, arising out of diffusion of wealth and out of improvements in the application of large masses of capital to land, tends to make peasant proprietorship impossible. The phenomenon of its decline is evidently not English alone. It extends to Belgium also. And yet Belgium is in some respects

* The following table, extracted from the Foreign Office Blue-Book at the head of this article, is enough to prove how the usage of cultivation by tenants in Belgium prevails most in those parts of the kingdom where civic wealth most abounds:—

Provinces.	Owners.	Tenants.
Antwerp	21,063	26,872
Brabant	54,109	29,021
West Flanders . .	19,705	58,792
East Flanders . .	45,547	42,758
Hainault	68,230	37,747
Liège	36,897	18,450
Luxemburg	31,675	4,569
Limburg	24,207	7,963
Namur	36,153	8,791

very different from England. The spirit of society is not aristocratic. The law discourages the maintenance of hereditary estates, the accumulation of land in few hands. Custom does not favour it. There is much of the same strong democratic feeling which exists in France, although of a more sober cast. There is much attachment to the soil. Nevertheless, the complaint of agrarian philosophers is the same respecting Belgium as respecting England. The reasons, we venture to affirm, are fundamentally the same, and they are general, not local, in their character. They arise out of causes which will make the tour of the world. The first is a comparative abundance of money, which will steadily seek investment in land, and will steadily maintain the price of land at such a height as to render it a luxury, and continually tempt the peasant proprietor to part with it. The other is a handy and convenient system of land laws, widely different in these respects from our own. 'As regards the transfer of land and the law of mortgage,' says the same M. de Laveleye, 'Belgium may be regarded as a model country.' He proceeds to explain the character of these laws. There is absolute authenticity combined with full publicity, being just the two things needful:—

'As long as England does not introduce security, publicity, facility of exchange, in fine, free trade in everything connected with property in land, there will be ever an insuperable obstacle to the establishment of an agrarian system in keeping with the wants of modern society.' (*Cobden Club Essays*, p. 269, 272.)

M. de Laveleye, in short, falls into the same singular fallacy which has ensnared the disciples of Mr. Mill's school in England. He is favourable to the greatest possible facilities for the transfer of land. He is favourable to small proprietorship. And he believes that the first will promote the second. Our own full belief is that (in the absence of sufficient counterbalancing tendencies) facility of transfer will, on the contrary, gradually absorb it. The student must learn to balance the probabilities. But M. de Laveleye's instance of Belgium clearly makes against him, and for us. In that country, in spite of powerful opposing influences, the tendency, under a system of free trade in land, is evidently to accumulation. He admits and deplures the fact, but, prepossessed by his theory, he does not see the reason. Mr. Cliffe Leslie (the author of the essay on the land system of France, in the same volume, and as strong an advocate of peasant properties as M. de Laveleye himself) may perhaps help him to a conclusion. 'In the absence,' says he, 'of natural economic tendencies towards the subdivision of land by its purchase in small lots,

‘ the best constructed legal system of transfer would only lead ‘ to its accumulation in few hands.’ (*Cobden Club Essays*, p. 339.)

We have extracted from the essay of M. de Laveleye at some length, because it illustrates several important points in the controversy on which we are engaged. In the first place, it shows (as already remarked) that in democratic Belgium, as in aristocratic England, thanks to prosperity and good laws, ‘ the force and violence of the ordinary course of trade ’ in land is steadily inoculating the commonwealth with the disease ‘ of landlordism.’ Secondly, it indicates that one empirical remedy for that disease—the confiscation of so much of the increase of rent as takes place without any contribution thereto by the landlord—had suggested itself to M. de Laveleye before it was taken up, as we shall see presently, by Mr. Mill and his Land Tenure Association. Lastly, because it throws light on another peculiarity of Mr. Mill and his school, if we may rank M. de Laveleye in that number—the deep colouring which their political speculations often, as we believe, unconsciously, on their part, lead to their economical opinions. It seems (according to our authority, whose views we only reproduce without comment) that the Belgian tenants at will suffer much worse things at the hands of their petty tyrants than British at those of their (comparatively) beneficent autocrats. And yet M. de Laveleye prefers the Belgian system to the English. And why? Simply, for aught we can see, because M. de Laveleye has been trained into a true Frenchman’s passion for equality; because he dislikes a system of large landlords on political grounds, although, as regards the happiness of the cultivator, he sees plainly enough that it is superior to one of small landlords.

And now let us turn from the example of Belgium to one widely different. No two civilised and wealthy communities can well differ more, in regard to the elements of the production and distribution of wealth, than Belgium and the United States. And yet in all the older portions of the United States which continue to flourish—in most of the region, that is to say, bordering on the Atlantic and north of the Potomac—it would appear that the accumulation of capital, and the ready transferableness of land, are already producing similar effects; that land is acquiring a fancy value; that in eligible situations it is, consequently, in course of being monopolised; that the race of small farmers (who of course in that country are themselves chiefly owners) maintains an unprofitable struggle against circumstances; and that, with the characteristic shrewdness of their countrymen, they hold but loosely to the soil which is thus

ungrateful to them, are the slaves of no sentimental or 'moral' associations' connected with agriculture, and are ready to pack up and be gone as soon as they can get a price at home and prospects elsewhere sufficient to tempt them. Of course the description we are here giving must not be taken as applying to any material extent to the States in general. They have for the most part a long future before them, before they are ripe for territorial institutions resembling those of our old countries, where land is scarce and capital abundant. But, as regards the locality to which we restrict it, we make no apology for inserting the following extract from the 'Nation' newspaper, one of the ablest and best conducted of journals, both as to the affairs of Europe and of America:—

'The truth is, that the railroad, the telegraph, and the newspaper, have taken the magic out of freeholds. The process of the concentration of land in few hands does not go on here (in America) because, in the first place, no man can here get either income or social consideration out of the holding of larger tracts of farming land than he can himself cultivate, and in the second place, because Europe is steadily supplying a class who are still in the peasant condition of mind and body, to take the place of the natives who are abandoning agriculture. We consequently do not need to trouble ourselves about the matter from a political point of view, and probably shall never have to do so; but one does not need to be very perspicacious to see that the problem, how to make country life attractive, which occupies social philosophers so much in the United States already, lies at the root of the land difficulty in England, far below the question of primogeniture or of testamentary disposition.

'No man buys an estate in England now with the view of making money out of it. He buys it with the view of "founding a family" and giving himself social consideration, and amusing himself. The buyers of land, therefore, are always in the market, offering prices which no holder who is dependent on his land for his living can well afford to refuse, and which in practice few men of the farming and yeomanry class, in these days of speculation, emigration, and travel, would think of refusing. The process which is going on all over England is, in short, the one which everybody is familiar with in the neighbourhood of our great cities in this country (America), where land has come into demand for country seats, and therefore risen ten or twenty times above its value for farming purposes. In other words, poor men cannot afford to own land.'

'Poor men cannot afford to own land.' In these words, whether we accept the proposition as one which but affirms the inevitable, or recoil from it as one which involves a long struggle between the classes of society, followed by disorganisation and anarchy, lies the secret of the riddle which now perplexes us all. It cannot be otherwise. If you could get

rid of the whole existing race of proprietors by revolutionary violence or by compulsory composition; if you could divide England into lots; if you could restore the imaginary times of 'village communities' and joint ownership of the soil; still, if at the same time you left the disposal of land free, the same result would recur. 'Landlordism' would revive and grow again. After a period of transition, longer or shorter according to the amount of violence and insecurity with which the change was attended, capital would very certainly reassume its ordinary predominance, and the land would be engrossed once more. Nothing could prevent this (the continuance of peace and security being assumed), except the enactment and enforcement of agrarian laws. This, and no other, is the price which we must pay for reducing our landed property to the condition of comparative level for which Mr. Mill wishes, and of absolute level which alone will content his more advanced disciples. Does it not stand to reason that if the sale and purchase of land were perfectly easy and free, those persons would buy most land, and give the best price for it, who had most money to buy it with?

'The selling price of land,' to quote again Mr. Norman, 'is too high to tempt the small capitalist,* unless under special circumstances. In his view land does not pay. He well knows that if he is to let it to a farmer he cannot expect a return at the best of more than three per cent.; and that if he is to cultivate it himself, he will have to furnish additional money, with great chance of getting no return at all. . . . Here, then, we see why there is so little competition for moderate quantities of land, say farms of 100 or 200 acres, only fit for cultivation. It is quite different when land possesses an exceptional and extraneous value, as for building purposes, and is likely hereafter to yield a large return. Then the small capitalist becomes an eager purchaser. This state of things, too, sufficiently explains why it is that

* 'It is not found (says Mr. Norman nevertheless), that land is 'exceptionally dear in England, but the reverse. In France, Holland, Belgium, the best governed and most wealthy parts of the Continent, it 'is said to be worth more than thirty years' purchase, which is reckoned 'upon as the normal rate here. Indeed, with reference to the price of the 'Funds, which do not pay more than 3½ per cent., it may be considered 'that land in England is relatively cheap. It would not be difficult 'to explain why it is that land is relatively dear upon the Continent, 'when compared to its price in England. We may, however, point at 'the fear of revolutions, the absence of poor laws in Catholic countries, 'old habits, and the influence of laws mainly derived from those of 'Rome, as the most efficient causes of the phenomenon.' We cannot but apprehend, *pace* Mr. Norman, that all such comparisons of the price of land are illusory unless we have before us a trustworthy estimate of comparative taxation on land, local and general.

the number of proprietors holding small quantities of land for purposes of cultivation has diminished, and is likely perhaps still farther to diminish.' (*Essays*, p. 115.)*

The fact of the existing tendency in wealthy countries towards accumulation of landed property, may therefore be assumed as undeniable. But before we consider the suggestions which have recently been made for the repression of a movement regarded by so many as a great national evil, it might be of value to form some estimate, though only conjectural, of the extent to which it has hitherto gone. For, in questions of fact relating to political economy and in allied investigations, we are likely to find so many counteracting currents of tendency, that to pronounce a general result as probable from known antecedents, and as having actually taken place, is to lay down two very different propositions. What is the actual division of landed property in the United Kingdom as compared with other countries? What is the number of our landowners? What the number of separate freeholds, or beneficial interests of such duration as to rank, in an economical sense, as properties? What is the average extent of each? These, and many other cognate questions, ought to be capable of receiving, at once, a ready and tolerably satisfactory answer. If our statistics were worth anything—if the grandiloquent compilers of our census, instead of expending stores of government paper and ink on rhapsodies of self-glorification about the increase of the people, their wealth and felicity, and in theorising about the causes of mortality and suggesting measures of prevention, which may or may not be valuable, but belong to another province than theirs, would take the pains to supply us with something like materials for answers to these questions, we should be thankful. But it is with humiliation that we are compelled to confess, that our ignorance on these subjects is complete. On the division of our land we are in all but total statistical darkness. Yet the materials for ascertaining it are accessible, though not without that expenditure of trouble and attention which mere compilers of figures will so rarely bestow. They prefer multiplying sums to proving them. It is otherwise in neighbouring countries; in Belgium and in France, for example, from whence the *Essays* of the Cobden Club, of which we have had so much to say, collect and reproduce a very considerable amount of

* The other day an estate was bought in a parish in Dorset by a Land Society to be cut up for sale. A neighbouring attorney bought the house upon it with a parcel of land. The other parcels have not yet found any purchasers.

detailed knowledge on these subjects, although the distinction between the number of landowners and of land-parcels is not always correctly remembered, and is doubtless difficult to ascertain. And, unfortunately, our ignorance on this matter is not so absolute but that it has allowed a certain amount of partial and mistaken information to leak out, which has led incautious theorists anxious to show facts in favour of their predetermined judgment against the English land system, into one of the most enormous blunders ever perpetrated by eager controversialists. Since a certain celebrated miscalculation about the quantity of wheat produced in the Government of Tamboff—a blunder, the detection of which really had its effect in helping the Free Trade school in their old struggle—we have seen nothing so grotesquely baseless as the calculation of the number of English landowners partly relied on by Mr. Cliffe Leslie, but assumed without any doubt by the body-guard of Mr. Mill.

‘The contrast,’ says Mr. Cliffe Leslie, ‘between the land systems of France and England, two neighbouring countries at the head of civilisation, may, without exaggeration, be called the most extraordinary spectacle which European society offers for study to political and social philosophy. The English census of 1861 returned 30,766 landowners and 249,261 farmers. The latest official statistics in France, on the other hand, (following an enumeration of 1851, now in arrear of the actual numbers,) reckon no less than 7,845,724 proprietors, of whom about 5,000,000 are rural proprietors.’

Such is the startling contrast with which Mr. Leslie opens his argument. A marvellous piece of statistics indeed, and which would justify almost any inferences, however monstrous, if it rested on substantial grounds. But it so happens that it is absolutely untrustworthy; not an exaggeration or distortion of the truth, but simply a delusion.* It is, as we have said, a very great discredit to our compilers of official figures that it should be so. The number of 30,766 for all the landed proprietors of England and Wales will actually be found in the summary of ‘occupations of the people’ in the census of 1861. But it is obviously a mere blunder. The reason, it has been suggested, is that the census-takers simply put down as landed proprietors those who so termed themselves in the

* This error is pointed out and insisted on in Lord Derby’s recent address delivered in Lancashire. In great part of this article we have gone so nearly over the same ground with his lordship, and expressed views so similar, that we might almost be suspected of piracy. But the fact is that these pages were written before his speech appeared, and we can only rejoice in the unintentional coincidence.

absence of any other qualification. Members of professions, trades, and so forth, who happened to own land, returned themselves as such, and therefore do not appear in the landowners' roll. We cannot tell whether this reason, or apology, is a complete one. It seems to us scarcely sufficient to account for the extraordinary series of attendant blunders, or rather absurdities, which this part of the census exhibits. The 'landowners' are reported as 15,131 males, 15,635 females;* and it never seems to have struck the compilers that any such result (under English law and usage) was self-convicting of error. In a single county (Devonshire) we find 855 male landowners against 971 females. And, which is still more startling, we find that out of the 30,766 proprietors only one hundred and fifty—sixty-five males, eighty-five females—are under twenty years of age! The preponderance of females is plausibly accounted for by the circumstance that they, having no other special description of themselves to offer, are more likely than males to figure as 'landowners' only. But for the impossible paucity of landowners under age, no kind of explanation is suggested. It never seems to have struck the sagacious compilers as a difficulty at all.† This examination of figures, utterly unsatisfactory as it is, suggests to us three several considerations. The first is, the untrustworthiness of those official enumerations on which we are accustomed so much to depend, where they are executed by workmen who seem unable to check by force of common sense the extravagances into which figures run away with them; workmen who do not perceive the necessity of stopping short in a calculation when it is leading them into a ditch, and 'trying back.' The second is, the semi-barbarous state of a community in which a subject of so much importance as the division of the land is left thus in the dark. We have consulted many persons familiar with the management and occupation of land in their respective districts, and have always received the same answer: that neither from observation, nor from local records, rate-books and the like, are they able to form anything like a trustworthy estimate of the movement of landed property towards accumulation or dispersion in their

* Mr. Syme ('Landlordism') goes *tête baissée* into the same trap with Mr. Mill and his followers. 'The total number,' he says, 'of landowners at the date of the last census was 30,766; but this includes the owners of building sites, town and suburban allotments.'

† It has occurred to us, however, as possible, that the cause may be this—that infant landowners are omitted, being represented by their trustees. But it is idle guessing one's way in a mist.

own locality.* And, lastly, we have here a most discouraging proof how ready politicians and philosophers, bearing the highest names and relied on by the unlearned as the safest guides, are to adopt, without inquiry, the first statement they can find possessing any semblance of authority, provided it favours some preconceived theory of their own.

We are bound, however, to say that Mr. Leslie is too cautious to swallow, without some misgivings, this wild official fiction, tempting as it certainly is to one of his persuasion. For he adds in the next page:

‘It would hardly diminish the contrast of such statistics to our own, were we, in place of less than 31,000 landowners, returned in our own census, to adopt the figure which M. de Lavergne has introduced into his “Rural Economy of Great Britain” on the authority of a statement made to an unofficial member of the House of Commons during a debate—a figure which has often since been reproduced in England on the authority of M. de Lavergne himself—namely, that there are 250,000 owners of land in the country; although it ought to be noticed that there is reason to believe an error respecting the meaning of the technical term “freeholders” was involved in this calculation; and moreover that it includes a number of suburban freeholds, and by consequence an urban, not a rural, class of proprietors, far less actual cultivators of land of their own.’

We must own, for our own parts, to being not a little surprised at Mr. Leslie’s disregard for the obvious importance of his correction. We should have thought the ‘contrast’ very much diminished indeed, if the number of our landowners is to be taken at a quarter of a million instead of 30,000; especially if (as the figures seem to show) that number is equal to the number of our farmers. Enough, however, and more than enough, remains to substantiate the general proposition, which no one doubted, that land among ourselves is far more concentrated in the hands of one class than in France; but far from enough to justify the strange exaggerations on the subject in which Mr. Mill’s sectaries are apt to indulge.

One of the fallacies which have been pressed, it is difficult to say how, into the service of the fashionable crusade against large landed properties, is the notion that the political economists proper—that mysterious and unpopular body of men, whose axioms and deductions always stand in the way of eager

* Some appear inclined to believe that the consolidation of landed estates in merely agricultural districts has been more than counterbalanced of late years by subdivision in the neighbourhood of towns and in districts attractive to the spending class. But it is of little use to speculate on these subjects in so melancholy an absence of materials.

theorists, just as the science of arithmetic stands in the way of the speculative class of financiers—have pronounced themselves in favour of the accumulation of land, by their tenet that rent is a substantial entity, a separate produce of the soil independent of the results of applied labour and capital. It is needless to point out to anyone who has but a smattering of the subject, how entirely this notion is alien from the very habits of thought, let alone the scientific principles, of the school in question. To them, the question into whose hands rent—the sum arising from the difference between the least and most profitable application of capital to the soil—passes, is utterly indifferent. Whether the State gets it as (by theory) in India, or the landlord as in England, or the cultivator as in some countries, or in whatever shares it may be divided (as is in real life the common case between landlord and occupier where that relation exists), their philosophical deductions remain unaffected. Yet the notion has obtained currency with others than mere superficial observers, and (unfortunately) almost always because political predilections have mixed themselves up with considerations of abstract science. There were few clearer reasoners than M. Bastiat, and few more resolute in pushing true principles to legitimate consequences; witness his admirable efforts in the cause of free trade. And yet M. Bastiat never would submit to adopt the Ricardo theory of rent. He fancied it favoured socialism, which it was his vocation to combat. He therefore preferred to call rent by some name which should not lend currency to such evil opinions; to call it the reward of the accumulation of capital, or by some other convenient title disguising its naked ‘incivism.’

Now, in citing Sir Henry Maine’s recent lecture on ‘Village Communities,’ we are mentioning the work of a powerful mind, devoted for years past to the strangely dissimilar, and yet mutually suggestive subjects, of Roman jurisprudence and Indian ancestral usages. And yet, with all respect, we cannot but think that Sir Henry, like M. Bastiat, has been seduced by a certain philosophic antipathy to ‘landlordism,’ and love of what he deems more primitive systems, into rejecting or throwing doubt on the plain doctrine of rent, because the use of its lessons by other people has led to practical consequences of which he disapproves. He is speaking of a celebrated judgment delivered in India in a case between Zemindar and Ryot, in which the (English) judge professed his inability to form any notion of ‘rent,’ where not defined by law, except as the sum fixed by competition, or rack-rent.

'A farther misleading influence was the phraseology already introduced by the economists. Between customary rents and competition rents they did not fail to distinguish, and would probably not have denied that, as a matter of fact, customary rents were more common, and as a matter of recorded history, were more ancient than competition rents. But still, misled by an error which has of late been very justly compared with a still more famous delusion of the Roman lawyers, they believed competition rents to be in some sense or other more natural than customary rents, and to competition rents *only* they gave the name of rent, unqualified by an epithet. This peculiar, and (as it seems to me) improper selection of a cardinal term is not probably of much importance in this country; but few sufficiently instructed persons, who have followed recent Indian controversies, can have failed to observe that almost all the obscurities of mental apprehension which are implied in the use of Nature as a juridical term, cluster in India round the word, rent.' (*Village Communities*, p. 183.)

'To competition rents *only* they gave the name of rent.' If Sir H. Maine had turned for a minute to the pages of so well-known an author as Mr. Mill, he would assuredly not have hazarded this statement. 'So far,' says Mr. Mill,* 'as rents, profits, wages, are determined by competition, laws may be assigned to them. . . . But it would be a great misconception of the course of human affairs to suppose that competition exercises in fact this unlimited sway.' And he goes on to show that all three, but rent more than either of the other two, are subject to the law of custom rather than that of competition. It is quite true that when he comes to define 'rent' itself (ch. 16), he does so in the technical terms appropriated by the Ricardo theory, and without any reference to custom as its regulator at all. But it is really obvious to anyone who will approach the question without predetermination to set himself in rebellion against the tyranny of the 'dismal science,' that whatever little appearance of contradiction may be thus produced merely results from inadequacy of language to express with perfect precision what all parties mean. The word 'rent' is ambiguous, and, till another is invented, must be used both to designate what the tenant actually pays to his superior holder, and what the land returns *ultra* wages and profits. It is really too much to expect of the economical reasoner that he shall in all cases introduce the word by a preparatory note explaining in which sense he uses it. *Intelligibilia, non intellectum fert.* It is to these endlessly revived objections, resting on a mere verbal ambiguity, to a theory of transparent

* Political Economy, ii. 4.

plainness, that Mr. Mill no doubt refers, when he calls it ‘the pons asinorum of political economy; for there are, I am inclined to think, few persons who have refused their assent to it, except from not having thoroughly understood it.’

And, while we are dealing with Sir H. Maine, we cannot help remarking how another science besides that of political economy—the science of jurisprudence, or rather of its history—has been pressed of late into the service of the popular anti-landlord movement. Sir Henry’s labours have thrown so much light on a very obscure part of our domestic history; there is so much of learning in his rescarches, so much of originality and force of thought in his dealing with them, that it is almost with regret that we feel compelled to signalise what we cannot but esteem partisanship. But, in truth, no study seems more calculated to make partisans than that of ancient constitutional law and the subjects therewith connected. No man seems to take them up in earnest, except with the purpose, either originally conceived or gradually mastering him in the course of his work, of establishing some great predetermined theory—some ruling canon of interpretation, by which the leading phenomena of social organisation may be interpreted and pointed in the way of moral. Look at Mably, Montesquieu, Hobbes, in days of old—Savigny, Kemble, Hallam, Palgrave, Freeman, in our own or recent time—lovers of truth as they all are, there is a vein of preconceived assumption running through each which the careful reader cannot misconstrue. Perhaps the exhausting nature of the labour of those

‘Who study ancient laws and rights,
Tongues, arts, and arms, and history,
Who toil like Selden, days and nights,
And in the endless labour die;’

could hardly be endured, unless under the stimulus of partisanship to give interest to the labour.

Sir Henry Maine’s cardinal doctrine seems to be that of the original joint proprietorship of land, in Western Europe or the Germanic portions of it, by cultivators under the system of village communities. But surely he assumes throughout, unless we mistake him, the most difficult part of his case—the identity of common cultivation with common proprietorship. He believes in the original distribution in this country of the

‘Arable area always into exactly equal portions, corresponding with the number of free families in the township. Nor can it be seriously doubted (he says) upon the evidence, that the proprietary equality of the families composing the group was at first still farther secured by a

periodical redistribution of the several assignments. The point is of some importance. One stage in the transition from collective to individual property was reached when the part of the domain under cultivation was allotted among the Teuton races to the several families of the township; another, when the system of shifting severalties came to an end, and each family was confirmed for a perpetuity in the enjoyment of its several lots of land. But there appears to be no country "inhabited by an Aryan race," in which traces do not remain of the ancient periodical distribution.*

And he proceeds to trace the history of the arable mark of the German as surviving in the common field cultivation of our country, and to recognise in the mutual rights of lords of manors, copyholders, and commoners, relics of the ancient era of common ownership.

In Sir Henry's account of the ancient German mode of cultivation in common, the 'arable mark,' the shifting severalties, and the gradual change which took place as these were slowly converted into separate holdings, we have no objection to concur; though quite aware on what very narrow foundations our German neighbours, on whom he partly relies, are apt to raise their most extensive superstructures of historical theory. But that the same general view applies to the ownership of land as well as to the industrial occupation of land, or in any satisfactory way accounts for that great problem, the institution of landed property, is what we can in no degree believe. The first occupants, who reclaimed waste land from the wilderness, cultivated no doubt in common, and might very probably own in common, according to the notions of property prevalent in their long-forgotten days. Such may have been the case, as the huge forests of Germany yielded gradually to the axe; and when the Slavs, a singularly democratic race, first settled in the central wildernesses of Great and Little Russia. Common ownership and joint cultivation may then have existed together. Nay, the very necessity of circumstances introduces similar usages into communities on which the most ingenious speculator cannot possibly found a communistic theory. The English Puritans colonised New England in times when the institution of individual property was as universal as it is now. And yet the courts of the infant settlements 'assigned lands 'for cultivation and for permanent possession, and apportioned 'from year to year the common meadow grounds for mowing.'* They adopted the arable 'mark' and its incidents, not from ancient prescription, still less from any theoretical objections to the appropriation of land, but simply because a community

* Palfrey, *History of New England*, i. 343.

so circumstanced could not thrive except by united labour, nor be induced to labour jointly except by division of produce. And so, we take it, did their ancestors in Western Europe when Western Europe presented a spectacle resembling that of the seaboard States of the Union two centuries ago.

But when the Saxons settled in England, both the state of society and the notions prevalent among mankind had advanced many a stage beyond that assumed by German antiquaries as prevailing when common cultivation began. Britain had long been peopled, pretty thickly, by Celtic races, of whose peculiar institutions as to property in the soil, 'Aryans' though they are reputed, we know nothing; nor has anyone but the most fanciful reconstructor of the past as yet framed systematic summaries of their polity out of an obscure sentence or two in some old chronicle. But cultivation in common is certainly not very accordant with the Celtic genius, so far as we recognise it in other parts of the world. Then came the Romans, who among all nations had most sedulously cultivated and reduced to the greatest perfection the law and practice of separate property in land. On this state of things supervened the Saxons, who came as conquerors, under armed leadership, at a period of society when armed leaders were very unlikely to dispense with their rights or their usurpations, and (in some parts) in sufficient numbers to dispossess the natives instead of governing them. That, in those parts, the leaders placed their followers on the conquered soil, where the former occupiers had been turned out, and left them to cultivate it after the common fashion of their German ancestors, is probable enough; and the system of 'common fields,' to which Sir Henry refers,* is at hand, we admit, to prove it. But it is just as probable (theoretically) that the occupiers exercised this common right as tenants to a lord, as that they exercised it as joint owners; and it appears to us far more probable historically. It may betoken lack of imagination on our part, but we cannot picture to ourselves Hengist and Horsa coming over the sea for the purpose of establishing a co-operative scheme

* Sir Henry, adopting the language of Marshall the agriculturist, says that 'there are extensive and open common fields (or were in 'Marshall's time) in almost all parts of the country.' This seems going beyond the evidence. In the Damnonian region, at all events—the Anglo-Celtic Devonshire and Cornwall—we believe that common-field cultivation has been always unknown. The land is, and always has been, severally cultivated or waste. It is obvious that exceptions such as this bear materially on the problem of the origin of ownership.

of village communities in the Weald of Kent, either without a lord or in coproprietorship with a lord. But farther than mere conjecture it is quite impossible for any sober disputant to go. For some centuries after the Romans left Britain, our materials for real knowledge are altogether wanting.*

To return from this little antiquarian excursion to our own more pressing subjects of investigation: one of the great subjects to which land reformers have at all times directed their attention in England, is the facilitation of the transfer of land. That this is impeded by the artificial condition into which landed proprietorship has gradually developed is matter which admits of no doubt. Entails, settlements, incumbrances, legal expenses, the thousand restraints which impede a land-owner in disposing of his property as he pleases, are all of them impediments in the way of what political economy would designate as the greatest good of the greatest number—the free transmissibility of land, like goods, from hand to hand. We need not dwell either on facts so notorious, or on a principle so generally recognised. There may be still some thinkers who to a certain extent approve of the existence of these impediments, regarding them as useful for the purpose of maintaining old families and keeping together extensive possessions; but such is assuredly not the prevalent opinion of our day; nor need we trouble ourselves to deal with it here. The world is grown too utilitarian in its tendencies, too intolerant of sage restrictions, imposed for artificial purposes, to tolerate devices of this description. To preserve an aristocracy by keeping up solicitors' charges (and, broadly considered, the existing posthumous limitations of property do not result in much more than this), is a plan which will no more succeed in

* Mr. Syme—who takes the same view with Sir Henry Maine—goes in much detail into this question, and proves by a multiplicity of instances his theory that land originally appertained to the state. He tells us that 'in ancient Egypt the soil belonged exclusively to the sovereign; ' that 'among the Slavonian races, property in land was 'not known until recently; ' that 'in Peru, at the time of the Incas, there 'are no traces of individual property in the soil; ' that 'land among the 'Teutonic nations belonged to the tribe; ' that to the American Indian, to the New Zealander, the South Sea Islander, the aborigines of Africa, and Australia, the idea (of 'alienation' and consequently of private property in land) is quite incomprehensible. The practical answer, surely, is, that we are not ancient Peruvians, nor aborigines of Australia, and that the notion of private property is, some how or other, so deeply rooted among us that (even according to Mr. Syme's own showing) stringent agrarian laws, violent interference with freedom of alienation, are required to prevent it from prevailing everywhere.

our times than schemes for delaying the apprehended disorganisation of our polity by maintaining rotten boroughs, or by contrivances of cumulative voting. Let us assume, therefore, that we are all agreed with the political economists to press on reforms of this description until land can be transferred as readily as a bill of exchange. Be it so: but what conceivable help will this relaxation of fetters afford towards the creation of a class of small proprietors? If our preceding statements and reasonings are not altogether unfounded—if there is any truth in the views there set forth, that land in this island is to a certain extent a luxury, and growing more so, that it commands a higher price than other articles, that money invested in it is invested at a loss—then no proposition can be more certain than that the accumulation of land will be promoted, not impeded, by the removal of legal difficulties in the way of parting with it or acquiring it. Small proprietors, if endowed at once by some Parliamentary magic with a Parliamentary title, would abandon their patrimonies to engrossing neighbours and depart with the proceeds to seek more repaying investments for their money. Large proprietors would sell and buy more easily, but almost wholly to each other. All this seems so simple a deduction from a few plain premises, that it is difficult to understand how it can have escaped the notice or the assent of writers who deal with the subject in a comprehensive way. But yet we have seen that some, at least, of our champions of peasant proprietorship appear to assume that the removal of restrictions on alienation would have, at once, the effect not only of enabling, but of rendering general, the purchase of small properties by small capitalists—the very last class who, in England, would ever make such investment for purposes of profit.

Mr. Caird thus concludes his description of English agriculture (as quoted by Mr. Leslie):—

‘There is one great barrier to improvement which the present state of agriculture must force on the attention of the legislature—the great extent to which real property is encumbered. In every county where we found an estate more than usually neglected, the reason assigned was the inability of the proprietor to make improvements on account of his encumbrances. We have not data by which to estimate with accuracy the proportion of land in each county in this position, but our information satisfies us that it is much greater than is generally supposed. Even where estates are not hopelessly embarrassed, landlords are often pinched by debt, which they would clear off if they were enabled to sell a portion, or if that portion could be sold without the difficulties and expense which must now be submitted to. If it were possible to render the transfer of land nearly as cheap and easy as that of stock in the funds, the value of English property

would be greatly increased. Those only who could afford to perform the duties of landlords would then find it prudent to hold that position. Capitalists would be induced to purchase unimproved properties for the purpose of improving them and selling them at a profit. A measure which would not only permit the sale of encumbered estates, but facilitate and simplify the transfer of land, would be more beneficial to the owners and occupiers of land, and to the labourers in this country, than any connected with agriculture that has yet engaged the attention of the legislature.' (*Cobden Essays*, p. 341.)

'Such a measure the owners, occupiers, and labourers of France have long had the benefit of; and the fact that in spite of new opportunities of migration and of steadily rising wages, even the labourer in France is a great land-buyer, proves the profitableness of "*la petite culture*," as well as the wealth of the very humblest and poorest class of the French peasantry. Imagine the English agricultural labourers great buyers of land and at the same time lending large sums to the State!'

We have nothing to say against Mr. Leslie's somewhat roseate description of the condition of the poorer part of the rural population of France, because our concern for the moment is with England, not with France. But whatever may be the case with the Frenchman, we have no doubt at all as to our countryman of small means, call him labourer, or capitalist, or farmer. Were land offered to him in ever so convenient small parcels, but at its present ruling price, he would, as Mr. Norman shows, not buy it, or he would buy to sell; because he has not the long-implanted tastes, the ancestral earth-hunger, which makes the French peasant almost incapable of imagining any other investment than that to which his forefathers have been so long accustomed; because England being a country of much more varied industry than France, he can much more readily find means of employing his savings more profitably in other employments than can the Frenchman; and, lastly, because he would always have the large proprietor close at hand, or the capitalist who longs to become a man of acres, tempting him with ready money, whereas in great part of France wealthy purchasers are as rare as sellers.

It is time, however, to revert to more important chapters of this great subject than those which relate to mere philosophical conceptions or antiquarian fancies. We are not among those who share in certain prevailing apprehensions of danger to the right of property; believing that the causes which tend to the maintenance of that principle in its integrity are stronger, upon the whole, in the present stage of society, than those which tend to its extinction or suspension. But, not belonging in any sense to the 'positive' school, and having no fixed opinion as to the progressive course of humanity being con-

finer to this or that particular groove, we abstain from inflicting any general theories as to the future on our readers. Enough for us the fact, that the whole doctrine of property is in our time (as it has often been before) boldly and seriously questioned. Some confine the proposition to the doctrine of 'property in land.' On this point we must take leave to differ from them altogether. We cannot find any real standing-point between admitting the right of property as regards land and as regards other articles of use or enjoyment. We do not admit any sacredness as attaching either to the one kind of property or the other. We believe both to stand on the same footing—that of mere convention or usage. And we are sure that the owner of land has much less absolute control of his own—is more obliged by usage to share the enjoyment of it with others—than the owner of money. But this is no place nor occasion for entering on so wide a disquisition, and we only thus far notice it to prevent our own views from being misapprehended. At all events, we hope, by acknowledging our own full toleration of the views from which we differ, to escape Mr. Mill's condemnation of people who make no allowance for their opponents. 'They have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess.'

Between the determined opponent of the right of property, and the upholder of things as they are, Mr. Mill now assumes the position of arbitrator. And he thus introduces the scheme of mediation which he propounds in his recent Preface to the proceedings of the Land Tenure Reform Association:—

'An active and influential portion of the working-classes,' says Mr. Mill, 'have adopted the opinion that private property in land is a mistake; and that the land ought to be resumed, and managed on account of the State, compensation being made to proprietors. Some of these reformers look with jealousy on any relaxation of the land monopoly, thinking that an increase of the number of landed proprietors would strengthen the obstacles to a general resumption of the land. But even from their point of view, there is another side to the question; since, in a country like this, where there is not, as in Ireland and France, an intense competition among the labouring classes for land (raising it far above its reasonable value), whatever brings more land into the market tends to lower its price, and diminishes the amount of compensation which, if the views of these reformers were to prevail, the nation would have to pay to the landowners.† Meanwhile, so long as land is private

* Essay on Liberty.

† Notwithstanding the high authority under which this proposition is

property, whatever facilitates its passing into new hands tends to increase its productiveness, and thereby its usefulness to the nation at large, since those among the owners who are least provided with skill, enterprise, and capital, are those who are under the strongest inducement to sell their land. The Society, therefore, *venture to hope* that even the most extreme section of land reformers will not reject this first part of their programme, while they are assured of the support to this extent, of many whose ideas of land-tenure reform go farther.'

Such is the pregnant passage in which Mr. Mill opens to us the leaves of his Sibylline book. Reject this, and a worse thing will come to you. This is the simple meaning of his offer of terms, made with the calm dignity of one who has, or believes he has, the means of enforcing what he threatens or advises. Mr. Mill occupies two distinct positions in our eyes. As a philosophical expounder of political truths, especially in the economical branch, it is not easy to grapple with him, both on account of his power of reasoning and of his high authority with those who cannot perhaps fully apprehend his reasoning. His 'ipse dixit' is quite as imperious with many minds as that of Aristotle in days gone by. But in his other capacity he is much greater still. He is the 'master of legions,' with whom it is unprofitable to argue. 'We' will have it so. We might ask more, but we offer a compromise. Take or refuse at your peril. If you accept, I will at all events do my best to hold my associates to the bargain. If you refuse, I wash my hands of your affairs. I depart, and my place will be taken by seven spirits worse than myself. I surrender you to the Commune, the 'International,' Mr. Fawcett, and Mr. Frederic Harrison.

For our own parts, we have only one course to follow ourselves, one advice to tender to the doubtful—which is, to keep entirely distinct the theoretical and the practical side of this question. Let us argue on the views of Mr. Mill, his allies, and his opponents, as calmly and as abstractedly as if the whole subject were one of scientific truth alone. Let us arrive at that truth to the best of our ability. Let us not be diverted for one moment from the search by suggestions from others, or such as grow in our own minds, as to the inconvenient consequences on public opinion of this or that conclusion, as to

advanced, we cannot accept it without hesitation. It is true that the fact of much land being brought into the market (from whatever cause) must have a tendency to lower its price. But then it is true, on the other hand, that the removal of 'remains of feudality' that is, the rendering land more easily saleable, would tend to enhance its price. Which tendency would prevail in the present instance it is not so easy to anticipate.

the dangers to society which may result from maintaining it. These are matters for secondary consideration—to be sifted in the second sieve through which thought on this subject must pass, if it is to be bolted thoroughly. Let us establish true principles first: study concession or modification afterwards.

And there is one point of view under which the work of opposing mere levelling tendencies has been rendered a little easier in this generation than in the last. Time was, when, in the prevailing radical school of that day, the appeal to numbers was held irresistible. The ascertained sense of the majority was held decisive; not, of course, of what was to be believed, but of what was to be done. ‘The greatest good of the greatest number’ was held to be, for legislative purposes, what the greatest number pronounced to be the greatest good. It is singular to note how completely the present race of extreme political thinkers have deviated from this time-honoured canon of belief. To satisfy ourselves on this head it is only necessary to read the recent English vindications of the Parisian Commune—we do not mean of its violence and excesses, but of the principle of its usurpation. Its leaders boldly proclaimed the doctrine which minorities in their country had hitherto tacitly assumed. We are not France, they honestly avowed, but we are something better and greater than France. We know that the majority would disavow us, and that if they could they would expel or shoot us: we hold our own against the majority. We claim to do so by virtue of superior intelligence, superior honesty. We claim it because it is the vocation of France to be under laws which shall subject capital to labour, whether France recognises its vocation or no; because we alone can frame such laws, and we alone can enforce them. We have only to refer to what are popularly termed the ‘positivist’ organs of opinions in this country to show that we have not in the slightest degree exaggerated in our description of these sentiments. We must again abstain from discussing their philosophical value; suffice it to say, that for our own parts we should deem it harder work to encounter a Benthamite than a Positivist in the arena of controversy: though we should prefer the former antagonist if it came to a question of *voies de fait*.

The remedial measures which Mr. Mill proceeds to suggest have been long before the public, and have excited much recent controversy. The first is ‘to claim, for the benefit of the State, the interception by taxation of the future unearned increase of the rent of land, which is continually taking place, without any effort or outlay by the proprietors, merely

‘through the growth of population and wealth.’ This was already proposed by him, long ago, in his ‘Principles of Political Economy.’

‘Suppose,’ he says in that work, ‘there is a kind of income that constantly tends to increase, without any exertion or sacrifice on the part of the owners; these owners constituting a class in the community, whom the natural course of things progressively enriches, consistently with complete passiveness on their parts; in such a case it would be no violation of the principles on which private property is grounded, if the State should appropriate this increase of wealth, or part of it, as it arises. . . . Now this is exactly the case with rent. The ordinary progress of society which increases in wealth, is at all times tending to increase the incomes of landlords; to give them a greater amount and a greater proportion of the wealth of the community, independently of any trouble or outlay incurred by themselves. They grow richer, as it were, in their sleep; without working, risking, or economising. What claim have they, on the general principles of social justice, to this accession of riches?’

Leaving out of consideration matter so controvertible as ‘the general principles of social justice,’ and confining ourselves to the safer ground of social expediency—regarding property in any form as guaranteed to its owners only for the public benefit—we are not aware that Mr. Mill’s reasoning admits in the abstract of answer, or even of discussion. But then, if propounded as a philosophical theory, his scheme should surely, on ‘general principles of social justice,’ apply to all property alike. On what real ground does the distinction between one class of it and another, for the present purpose, rest? Mr. Mill and his followers assume such a distinction throughout, without the slightest attempt to prove it. Does not railway property ‘tend to increase without any exertion on the part of the owners?’ and mining property? and many other kinds of property, which improve, in a flourishing condition of things, merely by partaking in the general impulse upwards? Why should such increase, in the case of land, be confiscated, and left, in other cases, to the enjoyment of the equally undeserving owners? And, again, why, in propounding this doctrine, does Mr. Mill speak only of the ‘land owners’ as a wealthy class apart, such as we see them in England? Does he, or does he not, mean his proposition to be as general in practice as it appears to be in theory? Does he mean that the peasant proprietor in France—the small house and suburban proprietor all the world over—ought in justice and expediency to submit to a periodical overhauling of his accounts, and the deduction from his gains of all which may result from improvements owing to no sacrifice of his own? And, if he does not mean

all this, will he find it easy to persuade mankind that his plan—with all its outward appearance of equity—is not, in reality, a crusading movement against one distinct and unpopular class, the large proprietors of this country?

The second remedy suggested is one which—with all respect for the authorities which propound it—really does not deserve more than the slightest passing notice. Mr. Mill is very indignant at the abuses hitherto committed under cover of Inclosure Acts. Common lands have been allotted to the lords of manors without due regard to the rights of commoners. ‘The Society regard this disposal of common lands as an iniquity, and demand that it should entirely cease.’ That is, we suppose, they demand that Parliament should cease henceforth to legislate in this way, under pain of nullification of its edicts by the Society’s ideal Commune, superior to all Parliaments. But, since the Society, or at least Mr. Mill who represents it, is ‘willing to respect existing possessions,’ it is difficult to see what object it proposes worth all this expenditure of high principle and indignation. The available common lands in this country are now so trifling in point of extent, that the surrender of them all to the public, for distribution among peasant proprietors or otherwise, would be a measure productive only of the most partial and temporary effects. Our still extensive unoccupied tracts of unavailable mountain and moor form a fund of a very different description, but worthless for such purposes as these, so long as a new and accessible world opens its millions of square miles to the emigrant. It would hardly better the condition of Mr. Mill’s clients—the landless ‘proletaires’ as French fancy terms them—to transplant some thousands of them to Skiddaw Forest and the Yorkshire moors, let alone the Scotch and Irish highlands. Mr. Syme, indeed, believes in thirty-two million acres in the United Kingdom lying waste, ‘though fully one-half is capable of cultivation.’ We doubt whether Mr. Mill—who knows the economical meaning of the word ‘capable’—would indorse this hopeful statement.

But it is of little use to discuss the details of a scheme like Mr. Mill’s, unless we are quite certain that it is propounded in earnest. If it merely represents an ingenious suggestion which has passed through a mind overflowing with speculation on this and kindred subjects, it were best to decline so barren an investigation. Where Mr. Mill finds his ‘active and influential portion of the working classes’ who have adopted the opinion that private property in land is ‘a mistake,’ we really cannot tell. We all know very well that there is a

portion of the working classes—how influential it were hard to say, how active the smoking ruins of Paris can testify—who have adopted the doctrine that *all* private property is a mistake. And we all know that there is a certain school of higher-bred philosophers—crotchet-mongers, some might venture to call them—who apply this socialistic doctrine to realty, while, for some reason beyond our logic, they abstain from applying it to personalty. But these, so far as we know, are of a very different class from the advanced politicians among our working men. Where these last are communistic at all, their communism rests on far broader, we might almost say, far more rational, bases. Nothing can be plainer or fairer than the mode in which Mr. Odger, for instance, proposes to deal with Mr. Mill's little plan:—

'While I hold it,' he says, 'to be a more liberal scheme than any I have yet met with from so eminent an authority, I am sure that it would fail, were it set forth as final, to satisfy the people. He suggests the propriety of estimating the present value of the land, and preventing owners in future from exacting a larger amount of rental. If Parliament possess the power to do this (and it does), it has the power of carrying out also a still greater reform, at some future date, a reform such as I propose; that is, the restoration of the land to the nation and to the people by purchase. I support Mr. Mill's proposal because it will not only limit the drain upon the people by landlords, but would, if adopted, prevent the amount requisite for making the land national property from being increased by delay.' (*Cotemporary Review*, August 1871.)

Such is the natural and inevitable incline on which theorists who begin with the principle that property (in land or aught else) is 'robbery' soon find themselves descending. They advance their principle, and then suggest a compromise; they are met by the scornful answer that compromise with robbery is out of the question, that it is a kind of national compounding of felony, that individual appropriators of the food of the public may be dealt with more or less mildly, according as they show themselves penitent for the sins of their class; but that the system must come down altogether, or not at all; and so we are launched into full 'agrarianism.'

We can pursue a discussion so evidently unprofitable—an attempt to make parallel lines meet, which in the nature of things cannot succeed—no farther. For our purpose we must look at society as it exists. We must recognise that the tendency of our industrial age is towards the accumulation of land; that legislation may indeed counteract this despotically, but cannot, consistently with freedom of action, seriously impede it. The prospect may be a doubtful one; it is certainly to many

minds, not an inviting one. None of us who are addicted to political speculation on coming events, none who really desire the maintenance of English comfort and English greatness, contemplate with satisfaction the tokens which multiply in some parts of our country of the concentration of the right to the soil in few hands; and although this is not really more the case in respect of landed than of other property, the phenomena which attend the change are more marked and more menacing. Most of us who are old enough, and who are familiar with the local history of any particular rural district, have traced, and lamented, the disappearance, once gradual, now rapid, of small estates; the rooting up, here and there, of a nest of yeomen and small freeholders or long leaseholders; the absorption, more commonly, of the old-fashioned esquire, with his few fertile fields, his share of pasturage, his cherished little tract of woodland, and his old manor-house rich in traditions, by his great absentee neighbour. More than this, many of us have watched with their own eyes the outward evidences of that change which our decennial census seems to confirm—the actual depopulation of not inconsiderable tracts of country, the shrinking of the village, the disappearance of the knot of cottages, the effacing of local colour, the consolidation of some little district of varied rural features into a dull tract composed of a few large fields and dotted at great distances with spacious farmhouses. The decayed church-village, isolated in a wide tract of arable, with the site of former streets only indicated by the inequalities of surface which mark the ground plan, is no imaginary picture now, nor confined to Ireland.

Of course we know that there is plenty of compensation to be found, in an economical sense, for the repulsive features of a change like this. But an instinct, stronger than economical reasoning, assures us that it is wrong notwithstanding. A state of satraps and dependents is not a state which can really thrive. The reader may term our language exaggerated if he please. Let him make any reasonable correction from his own experience or reasoning. But much of truth, unhappily, will remain behind. And the impression left on impartial minds will, we fear, be this—that though it is difficult to suggest any but artificial remedies for a condition of things produced by subsisting natural causes; though community of property be a dream, community of land, or ‘agrarianism,’ a mere fallacy—yet, when we have to our own minds satisfactorily confuted all the theories of revolutionists, and established the existing

system on a logical basis, the ominous question will recur: Can it last, and what will be its end?

It is a question which the young aspirant in political research and the veteran fanatic are alike ready to answer off-hand; the first confident in that recurring youth of society over which he exults, the other with a faith in theories which the failure of one experiment after another has done nothing to abate. Tamer thinkers than these turn away from the problem with a cheerless sense of inadequacy to deal with it, and a faint reliance on the general principle that problems left to themselves, without injudicious interference or restriction, will settle in the right way at last. We can but patiently enrol ourselves in the latter class; and point out, in the meantime, one important matter in which the ominous tendencies of the existing state of things may to a certain extent work out their own cure, and may possibly be helped to work it out more effectually by extraneous help, without undue interference with liberty.

The English landlord-and-tenant system, to which landholding in all other countries where there is abundance of floating capital, as we have seen, more or less inclines to approximate, rests, as society advances, more and more on simple contracts for the enjoyment of the land by the tenant and the payment of rent to the owner. And it is obvious how greatly this inclination of things is increased by the enlargement of estates. There are, in truth, whole districts in the hands of absentee and non-resident proprietors, or of trustees for such proprietors, in which, were it not that custom has established a different nomenclature, the tenant might practically be termed the owner, and the owner an annuitant; the agent, who really transacts the business of the estate, gradually assuming the position of an arbitrator between the two. Custom and mutual forbearance have by degrees fenced the naked contract in which the relation began with a growth of recognised usages, until something resembling a joint proprietorship has been established between the two principal parties.

'The trust,' says Mr. Wren Hoskyns (on the English system) 'which the ownership of land brings, as well as its occupation, if these are divided, is enforced by penalties as inexorable as those of natural law. The pressure of the responsibility increases with every step in agricultural advancement, till the rights of one age become the wrongs of another. Modes of settlement, carving out the proprietary interest into a series of limited estates for life, and "in remainder," each in succession barren of power and motive to meet the wants, the improvements, the discoveries of the times, present a very different aspect to the same thing before the rivalry of the farm was a world struggle. The increased energy and activity of the tenant demand the outlay of

capital by the landlord before his own can be safely thrown into the partnership; for such the relation practically is in England, and such it must become wherever the English system prevails. The "expenses of land" are the familiar theme of every man of business. Nothing is more common than to hear the wealthy and unfettered fee-simple owner complain of the voracious demands of his landed property for buildings, draining, cottages, and other necessary improvements exacted by the time; and those who give most attention to the debtor and creditor history of their estates are best alive to the fact that landed property has become more like a business than a mere income. It is so, and, in a certain sense, it ought to be so. The soil was not meant for idle enjoyment, even by its unoccupying owner.' (*Cobden Club Essays*, p. 115.)

Now it seems to us that as surely as the present state of industry, and of freedom to employ it, tends towards the concentration of the fee-simple of land in few hands, so surely does it tend to render the possession of that fee-simple either barren—a mere right to draw an annuity—or a right to be enjoyed only in partnership with the actual occupier. An incipient co-operative system is created, of which, should revolution keep at a distance, another generation is sure to see a far more extensive development. Call England a community of 30,000 landowners and a million and a half of farmers, and Mr. Cliffe Leslie's indignant view of the situation seems at first sight justified. Call it a community of a million and a half of occupiers and a considerable number of annuitants maintained by those occupiers, and a very different picture is presented to the mind's eye. And yet is the difference between the two suppositions really so very great, and is it not one which tends to continual diminution? And may not imagination, since we are thus far embarked under her seductive guidance, picture to us, at a distance relatively small, the third element entering into this general co-operative scheme—the tiller of the soil, elevated in position by the increasing demand for the services of a more limited number of hands (a paradox, but true) and by the pressure of emigration, becoming by degrees himself comparatively independent; protected not merely by contract, but by usage supplementing contract, and developing into new partner in the concern?

Is it practicable or desirable to accelerate this process, whereby the occupying tenant is assuming more and more the character of an associate with his landlord, by enactments conferring on him more or less of fixity of tenure? practicable, that is, without mischievously restraining freedom of alienation, and without approaching towards the evils of agrarian legislation? These are questions of extreme delicacy as well as

importance, and cannot be taken up in a mere cursory way. Our Irish land law is generally defended merely for Irish reasons—as one called for by the special necessities of an artificially produced state of society. It remains for farther inquirers to examine whether it may not be justified on wider and more cosmopolitan grounds; whether it may not be a sample of codification, called for by the exigencies of the state of things which we have described as characteristic of modern society in wealthy countries.

The next great palliative of the evils, hitherto indeed more apprehended than real, which threaten the country from the monopoly of so much of her soil in the hands of few owners, might be found in restriction on the present right of tying up property (landed or personal) after death. We do not speak of this as a measure likely to prove of much consequence in an economical point of view, if it were enacted and enforced (which would be a more difficult matter). The restrictions on the free transfer of land which the present law practically imposes are, we are convinced, greatly exaggerated by the impugnors of the existing system. When Mr. Wren Hoskyns tells us that ‘a far greater proportion of the land of England than is generally believed is in the possession of tenants for life so heavily burdened with settlement incumbrances that they have not the means of improving the land which they are obliged to hold,’ it is almost enough to point to the general aspect of this highly cultivated portion of the earth’s surface, in order to convict him of over-statement. Still it must be remembered that every relaxation of the system of settlement, so far as it goes, aids the great cause of free transfer of land, and consequently of agricultural improvement. But it is far less on economical than on political grounds that we think this question one of the most pressing of those which are certain to hold a large share in the speculations of our immediate successors. If property in land is to be maintained at all, and if at the same time society is to assume more and more the democratic form into which it is now growing, we cannot, for our own part, conceive the possibility of our proprietors being much longer allowed to preserve the strange privilege which they now enjoy—unique, we believe, in Europe, except as regards some noble fiefs in regions where that mediæval distinction is still kept up—of carving out future estates on their soil for hypothetical possessors, and ‘solemnly appealing,’ as it has been expressed, ‘from one generation to the next.’ We shall be told, no doubt, that this privilege of founding and providing for the maintenance of future landed families is one peculiarly consonant to

English feelings and traditions, and valued as highly by the yeoman-freeholder where he exists, and by the creator of a new suburban demesne, as by the peer or the millionaire. This is to some extent true, but only to some extent; the creation of particular estates by way of settlement, in small properties, is an eccentricity at best; while it is the recognised system of our aristocracy, in so far as that aristocracy is least in accordance with the spirit of the present age, and of that which is fast approaching. We should doubtless be deemed very nearly as revolutionary as Mr. Mill himself, were we to suggest that society would still survive and flourish, wealth would accumulate, and the demesnes of the rich would continue to adorn the land as they do now, if no disposal whatever of property after death by deed or will were permitted unless absolute, saving only such obvious exceptions as justice and public policy demand, such as life provision for widows and industrial leases. Nor will we back our proposal by humiliating threats, or suggestions that to the choice between this prohibition and an agrarian law we may come at last. We should wish it to be judged on its merits only, and leave to time and to the thoughts of temperate men, the care to remove the prejudices, as for our own part we believe them to be, which at present militate against the diminution of that anomalous and irrational control over the contingent future which British law supposes and encourages.

ART. VII.—1. *Report from the Select Committee of the House of Commons on Legal Education.* 1846.

2. *Report of the Commissioners appointed by Her Majesty to Inquire into the Arrangements of the Inns of Court and of the Inns of Chancery for Promoting the Study of the Law and Jurisprudence.* 1855.

3. *Report of a Meeting held at Lincoln's Inn Hall on the 6th July, 1870, with the Address of Sir Roundell Palmer on the Formation of the Legal Education Association.*

4. *Debate in the House of Commons on Legal Education, 14th and 26th July, 1871.*

WE propose to sketch the History of Legal Education in England, hoping possibly to aid the determination of two questions much agitated—namely, whether barristers are now adequately prepared for the performance of their functions; and whether solicitors or attornies are, or are not, now

excluded from advantages which they ought to possess and which they formerly enjoyed?

However startling the fact may appear, it is well ascertained that until the reign of Henry III. all the higher judicial offices in this country were filled by archbishops and bishops, abbots, priors, and deans. The advocates who practised in the secular as well as in the ecclesiastical tribunals were exclusively clerical. There were attorneys in those days, but no barristers. The clergy did their legal work ably, though not always without censure; but in 1217 they were prohibited by canon from acting in the temporal courts.* The change proved extremely mischievous to the community; important duties which had previously been performed by men of skill being now from necessity committed to practitioners at once ignorant and, as it soon appeared, unscrupulous. The chronicles of Henry III. and of his successor present a frightful and marvellous picture of professional corruption and extortion, no less than ten out of the twelve common law judges having been convicted of falsifying records and taking bribes for their decisions. The consequence was that in 1290, moved by the complaints and remonstrances of his subjects, Edward I. issued a commission of inquiry, addressed to his chief minister, Henry de Lacy—the famous Earl of Lincoln—and Lord Chancellor Burnell—the greatest law reformer of his age, rescued by Lord Campbell from oblivion. The Report to Parliament, in the following year, gave a startling representation of the venality and profligacy which prevailed in the profession generally, and in all the legal offices, high and low. A remedy was called for to correct the existing evil. Provision was also required for the future; the country demanding a new race of candidates for the forum and the bench, from which the clergy had for nearly a century been excluded.

To accomplish both purposes, the great monarch then on the throne issued, in the year 1292, *with the sanction of Parliament*, a second commission, which was addressed to John de Mettingham, Chief Justice of the Court of Common Pleas (one of the two untainted judges), ‘with certain associates,’ who are

* Certain of the clergy appear to have disregarded the prohibition. It is recorded of William de Bussy, a learned serjeant, who flourished about 600 years ago, that having been called to account for professional malpractices, he claimed the protection of his holy orders; and, to prove his privilege, disclosed the clerical tonsure. Therefore Sir Henry Spelman suggests that the original object of the serjeant's coif was to conceal the tonsure of such renegade ecclesiastics as practised in the secular courts, although interdicted by canon.

not named. These Commissioners were directed to search throughout the kingdom for respectable and competent attornies, to do the work of the Superior Courts, then fixed at Westminster by Magna Charta; the Commission declaring that the individuals to be selected should alone, and none else, practise before those common law tribunals. The Commission further directed—and here was its most important provision—that students, ‘apt and eager,’ should be brought up from the provinces and placed in proximity to the Courts. They were to be chosen with discrimination;* their disposal afterwards being left to the decision of the Commissioners, in whom a large authority was vested by the words ‘*de aliis remanentibus, fiat per discretionem*’; a discretion exercised, doubtless, with the concurrence, if not by the direction, of Lord Lincoln and the Chancellor, both evidently the moving spirits in the whole affair. The fortunate attornies, chosen to displace and supersede their unlucky brethren, had, we may suppose, on coming to the Metropolis, little difficulty in finding accommodation. But with the young students—the *apprenticii*, as they were called—the case was different. Invited by the State for a State purpose, they had a right to expect from the State the advantages and protection of collegiate education, known even at that early period; implying chambers for residence and teachers for instruction, in social combination. Hence the *apprenticii* were at once placed in the Inns of Chancery—public offices, which, retaining their ancient designation, are now to be regarded, in the words of Fortescue, as ‘the earliest settled places for students of the law’; the germ, in fact, of what Sir Edward Coke calls our English Juridical University.

The design was not merely to raise the intellectual standard of the legal profession, but to open to all classes the principles of that municipal code under which they lived, as distinguished from the civil and the canon jurisprudence, then too much affected by the clergy, and sought to be established by them. The objects contemplated by Edward I. and his ministers are not, indeed, so plainly unfolded by the words of the Commission as by the steps taken almost immediately in pursuance of it, by sundry regal and judicial declarations, and by numerous formal documents and contemporaneous descriptions, all supported by traditions at once uniform, authentic, and venerable.

Towards the close of Edward’s reign, following out the scheme of the Government, Lord Lincoln, the first of the

* *Apprenticii liles ad discere.*

Commissioners—a man celebrated for munificence—surrendered his town mansion, with its accompanying advantages, in Chancery Lane, to a body, we are told, of legal professors and their pupils. This fraternity have ever since been distinguished as ‘the Honourable Society of Lincoln’s Inn,’ the first and the oldest Inn of Court.* Here the earl died in 1310, the Society taking its name from his title.

The second Inn of Court, the Inner Temple, and the third, the Middle Temple, although of great military or knightly antiquity, did not become legally scholastic till the reign of Edward III.

The origin of Gray’s Inn, the fourth Inn of Court, is that about the same period, not precisely ascertained, Lord Gray de Wilton granted to certain legal professors and *apprenticii* a lease of his hostelry in Holborn.

All these bodies, the several Inns of Court and of Chancery, proceeded on the principle of a collegiate scheme, under the constant superintendence and protection of the Crown. During the long reign of Edward III. they prospered. In Richard II.’s time, 1381, they were invaded by Wat Tyler and his followers, who destroyed the Temple Records. In 1450, one of Jack Cade’s declared intentions was ‘to kill all the lawycers, and pull down ‘the Inns of Court,’ which, however, with the Inns of ‘Chancery annexed to them, in spite of some popular reproaches, were resorted to by the most promising youths of the kingdom; the Inns of Court having the senior, the Inns of Chancery the junior, *apprenticii*. It appears indeed that the inmates of these establishments, more especially those of the Inns of Chancery, were not only numerous, but at intervals disorderly. They became in fact formidable by their turbulence to their more peaceful neighbours, the citizens of London. In 1454 a pitched battle was fought between the two communities in Fleet Street. Who chiefly distinguished themselves by their valour on this occasion does not appear; neither can we discover on which side victory was declared. But that the Inns of Chancery cut a prominent figure in the combat is made certain by the fact that the principals of *Clifford’s*, of *Furnival’s*, and of *Barnard’s*—probably ringleaders—were brought to trial, convicted, and sent prisoners to Harford Castle. These incidents, though now ludicrous, are evidence of growth and importance at the time of their occurrence.

* Thinne, a learned antiquarian (praised by Camden), writing temp. Eliz., calls Lincoln’s Inn ‘the ancientest House of Court, before the ‘Temple.’

Under the sway of the Plantagenets the Inns of Court and of Chancery had acquired a settled constitution and an academic discipline; and it clearly appears that the men turned out by them proved generally the most eminent of the nation. Describing these establishments in 1464, Chief Justice Fortescue (who had very early become a member of Lincoln's Inn) expresses himself thus:—

‘There belong to the law ten lesser Inns, and sometimes more, which are called the Inns of Chancery, in each of which there are one hundred students at the least; and in some of them a far greater number, though not constantly residing. The students are for the most part young men. After they have made some progress here, and are more advanced in years, they are admitted into the Inns of Court. Of these there are four; in the least frequented of which there are about two hundred students. In these greater Inns a student cannot well be maintained under 28*l.* a year. And if he have a servant to wait on him (as for the most part they have), the expense is proportionably more. The students are sons to persons of quality—those of an inferior rank not being able to bear the expenses of maintaining and educating their children in this way. Knights, barons, and the greatest nobility of the kingdom often place their children in those Inns of Court, not to live by the profession, having large patrimonies of their own. The discipline is excellent, and the mode of study well adapted for proficiency. Neither at Orleans, nor at Angiers, nor at any other university in France (Paris excepted), are there so many students.’

In Fortescue's description one thing is observable; he says not a word of the attornies, who by degrees became, as we shall hereafter see, the sole and exclusive occupants of the Inns of Chancery. How this came about is a mystery. Having regard, however, to the comparative paucity of the English population when Fortescue wrote, it seems impossible that the students enumerated by him (coming up to 2,000), could have been all of the patrician or even of the equestrian order. On the contrary, the majority were probably poor and humble adventurers, some succeeding and some failing in after life. That merit and ability, however obscure the candidate, were not excluded from the ‘Juridical University’ is proved by the fact that Sir Thomas Billing, who began his professional studies as an attorney's clerk, became ultimately, in 1470, Lord Chief Justice of England. The eldest sons of the nobility and of leading county families, not intending to practise or even to become members of the legal profession, enjoyed a preference, which gave them direct access to the Inns of Court, without any previous resort to the Inns of Chancery. As to ordinary students desiring instruction for professional avocations, the

rule was that their legal education should begin in one or other of the Inns of Chancery, which were under the control of the Inns of Court, and indeed belonged to them, the judges being the visitors on behalf of the Crown.

The students in these Inns of Chancery were of all grades, some contemplating the forum and some attorneyship, while others had an ultimate view to public life in either House of Parliament. Not a few were satisfied with the Inns of Chancery. The young attornies went no higher; while those students who looked to become county magistrates, with merely law enough to meet the exigencies of quarter sessions, rarely ascended to an Inn of Court. Mr. Justice Shallow 'of Glos-tershire,' and his friend 'little John Doit of Staffordshire,' were both of 'Clement's,' and were both content. Justice Shallow afterwards, on his estate in the country, flattered himself that he was still 'talked of at Clement's Inn.' And Falstaff says, 'I do remember Shallow at Clement's Inn;' showing, we think, that Falstaff himself had been in his day of that ancient society; but most probably with no forensic aspirations.

Whatever might be their rank or derivation, all who looked to the higher departments of the profession, all indeed who intended to work as advocates in Court, must have begun their legal studies in an Inn of Chancery. After going through this indispensable juvenile novitiate, they moved up to, and were entered of, an Inn of Court. They still retained the ancient title of *apprenticii*. Of whom there were three classes: 1. The junior *apprenticii*, all of the Inns of Chancery; 2. The senior *apprenticii*, who instructed the juniors; and 3. The *Apprenticii ad legem*, who after a curriculum of eight years,* and after strict and repeated examinations, were allowed to practise as advocates in the Courts. Men of mark and distinction were appointed *Readers*, who lectured and conducted *mootings* both in the Inns of Court and in the Inns of Chancery. The curriculum treated by Fortescue as venerable had probably existed for two centuries before his publication; and we cannot doubt that he had himself complied with the discipline which he describes with a laudation seemingly grateful. His picture is perhaps too highly coloured, especially where he describes the 'sons of the nobility and gentry' as models of educational obedience. But the account has never been impeached, and has been constantly quoted and relied upon.

In the Tudor reigns, when for all ordinary purposes the

* Lord Campbell's Chief Justices, vol. I. p. 243.

English language came exclusively into use, the term *apprenticius* disappeared, and that of *barrister* was substituted. The word *barrister* was not derived from the bar of a court of justice, but from the bar at which exercises were performed in the halls of the societies. The degree of *barrister* was not granted by the four Inns of Court acting together as one body, but by each Inn separately, and only to its own respective members.

By this time the attornies had inexplicably acquired possession of the Inns of Chancery, and gradually appropriated to the uses of their business, chambers which had been previously devoted to students. They resisted the jurisdiction of the Inns of Court; and ultimately, without a particle of discoverable authority, asserted a dominion of their own. Very considerable accommodation, however, was still reserved by them for pupils. Their halls, too, were kept open for readings, mootings, and exercises. Accordingly, we find that the original course of study was adhered to by Sir Thomas More, who, having distinguished himself at Oxford, began his legal preparation in 1498 at New Inn (an Inn of Chancery), 'and he afterwards,' Lord Campbell tells us, 'belonged to Lincoln's Inn, where were taught,' his lordship says, 'the more profound and abstruse branches of 'legal science;' doubtless meaning the subtleties of special pleading and the refinements of conveyancing—the Law of England being the only subject taught. Sir Thomas More was early appointed Reader to Furnival's Inn, where he lectured and conducted mootings with great applause for three years. Lord Campbell affirms that at this period 'the Inns of Court and Chancery presented the discipline 'of a well-constituted university. Law was systematically 'taught, and sufficient tests of proficiency were applied before 'the degree of barrister was conferred, entitling the aspirant 'to practise as an advocate.' High descent gave no release from the curriculum when the forum was contemplated. Thus Chief Justice Montagu, whose ancestor accompanied the Conqueror, and who himself founded the ducal house of Manchester, was sent when still very young to an Inn of Chancery, and in due time, having been entered of the Middle Temple, was so much esteemed for learning that the benchers appointed him, in 1524, 'Autumn Reader,' and shortly afterwards 'Double 'Reader,' offices whose importance we can hardly now estimate.

Next comes a lawyer to whom, Lord Campbell says, we still look up with reverence—Chief Justice Dyer. After a successful career at Pembroke College, Oxford, young Dyer was transferred to New Inn, an Inn of Chancery; and thence afterwards, in 1537, to the Middle Temple, an Inn of Court.

By this time, however, the attornies were gradually closing the doors of the Inns of Chancery against students for the Bar, while we find that they themselves betrayed a singular eagerness to become members of the Inns of Court. But in 1557 an imperative order was pronounced by the judges, 'That none attorney should be admitted into the Inns of Court; and in all admissions that this condition shall be implied, that if he that shall be admitted practise any attorneyship, then *ipso facto* he shall be dismissed; but with liberty to repair to the Inn of Chancery from whence he came.' The tone of this order evinces the dissatisfaction felt by the authorities against those who were the objects of it; but it shows, at the same time, that the attornies were then regarded as proper members of the Inns of Chancery, subject, of course, to the trust of their position. Hence, although the order, and another issued in nearly the same terms in 1574, 'by the Queen's Commandment, with the advice of Her Privy Council' and the judges, gave, we must suppose, great offence to the attornies, they did not venture absolutely to exclude bar-students from their inns, nor did they attempt to impede the Readers in the performance of their duties. Accordingly, we find that Sir Edward Coke, on leaving Cambridge in 1571, began his legal studies at Clifford's Inn (an Inn of Chancery), and proceeded thence, in 1572, to the Inner Temple. In 1580 he was appointed Reader of Lyon's Inn (an Inn of Chancery), where for three years he lectured, Lord Campbell tells us, 'to students of law and attornies with much applause; and so spread forth his fame that crowds of clients succd to him for his counsel.'* In Coke's time there were 747 students in the Inns of Chancery.† But in course of the succeeding half century, the attornies, having acquired a mastery over the Inns of Chancery—the seminary of legal education—though they did not, as we have before observed, actually exclude students for the Bar, yet received them ungraciously (disregarding the benchers' remonstrances), so that on the 8th of November 1629, Sir Matthew Hale having quitted Magdalen College, Oxford, instead of resorting to an Inn of Chancery, solicited admission and was received at Lincoln's Inn *per saltum*; thereby, in effect, terminating one element of the ancient discipline so much approved of by Fortescue and Coke in former times, and lauded so warmly by Lord Campbell in our own. Adverting to the case of Sir Matthew Hale, his

* Chief Justices, p. 244.

† Lord Burghley: Coll. Pearce, 79.

lordship observes, 'that the custom for law students to be first entered of an Inn of Chancery, before being admitted of an Inn of Court, seems now to have become obsolete;' adding that 'the Inns of Chancery were by this time entirely abandoned to the attorneys.'

The attention of the Government having been at last directed to this encroachment on a public right, it appears that on the 16th April, 1630 (the year immediately following Sir Matthew Hale's admission at Lincoln's Inn), an order was issued by Lord Keeper Coventry and the twelve judges, with the sanction of the Privy Council, commanding that the Inns of Chancery 'should hold their government subordinately to the benchers of the Inns of Court to which they belonged; such benchers being required to survey the Inns of Chancery annually, in order that there might be in them a competent number of chambers for students; declaring also that any attorney, or clerk, or other officer disobeying, should be severely punished.'

We do not find that the benchers did anything to carry this order into execution. The Inns of Chancery were still resorted to by students, probably of both kinds. Sir Bulstrode Whitelock, the great Commonwealth lawyer, says that in his day there were 'eight Inns of Chancery, but in none of them so many students as in Fortescue's time;' showing that these lower hospitia existed then as educational establishments, though reduced in number and mutilated by mismanagement.

The state of things in the Inns of Chancery was, after the Restoration, again brought under the notice of the Government, and on the 18th June, 1665, an order was issued whereby the order of 1630 was renewed by 'the command of the King's Majesty;' the Lord Chancellor and the twelve judges (including Sir Matthew Hale), with increased solemnity, enjoining not only that 'the Inns of Chancery should hold their government subordinately to the benchers of every of the Inns of Court to which they belonged; but, moreover, that the benchers should make laws for governing the Inns of Chancery, as to keeping commons, and attending and performing exercises according to former usage.' The order of 1665 commanded, secondly, 'that the benchers of every Inn of Court should cause the Inns of Chancery to be examined, that there might be a competent number of chambers for students; and that every year there should be an exact survey taken that the chambers allotted for that purpose were accordingly so employed.' These orders were published, in

1666, by Sir W. Dugdale, with the sanction of the Chief Justices Bridgeman and Hale.

This order of 1665 was, we believe, disregarded by the benchers in like manner as that of 1630. They made no 'laws' for governing the Inns of Chancery,' nor do we find that they ever instituted the annual inspections so urgently commanded. This, however, is said subject to correction by evidence not yet disclosed. The benchers were perhaps of opinion that the Inns of Court—their chief care—were not likely to gain much by a contest with the managers of the Inns of Chancery, which, after the case of Lord Hale, had ceased to be of necessity resorted to by students for the bar. But this was no adequate excuse; for the benchers, backed as they were by the Government, and supported by the judges, might easily have recovered the Inns of Chancery (a task still open), which formed not only component parts, but were in fact the primary element, of the Legal University. The orders of 1630 and 1665 have never been revoked. They were no secret. They were formally and repeatedly published by direction of the judges, and they raise a question of interest at the present crisis when subscriptions are asked 'for 'The New School' of Law.' Describing the present state of the property abandoned to the attornies, and misappropriated for two centuries, Mr. Clode, a very eminent London solicitor (whose remarks are published by the Royal Commissioners),* informs us 'that every Inn of Chancery has a noble hall, in fine condition, and is as well able now as in Fortescue's time to hold a hundred students each.' Mr. Clode says that 'to preserve the Inns of Chancery as public property, it is essential that they should be secured by Act of Parliament;† and as it appears that there are now but seven remaining,† four, if not more, having mysteriously disappeared, he thinks it not unreasonable to fear that the surviving seven, if not looked after, will also, in the course of years, be lost to the profession.' He is clear that in their 'original foundation they were educational establishments for law students. They are still capable of being restored to these purposes; and few persons will be found to justify the present use made of their funds and advantages;' a remark not perhaps intended as a censure

* Report 1855, p. 295.

† The seven Inns of Chancery still remaining are—one belonging to Lincoln's Inn, namely Furnival's; three belonging to the Inner Temple, namely Clifford's, Clement's, and Lyon's; one belonging to the Middle Temple, namely New Inn; and two belonging to Gray's Inn, namely Staple and Barnard's.

on the present occupants, who merely retain what they possibly may think has come to them legitimately; although no one dealing with such 'privileged and exempted' property, can gravely affect ignorance of the notorious public trust to which it is subject, and by which it is bound.*

Having said thus much respecting the Inns of Chancery, whose history shows how the attornies contrived to bring about the educational segregation which they now somewhat clamorously deplore, let us examine the career of the superior bodies, the Inns of Court, without further noticing their disobedient subordinates. And here we must look back a little to ascertain the course pursued in 'those four colleges, 'the most famous of all Europe, dedicated, by the free bounty 'of our ancient kings, to the preparation of young men to 'discharge public and arduous functions, as well of the State 'as of Justice.'†

In the days of Queen Elizabeth each of the four Inns of Court was governed by the Chief Reader and the benchers. The other inmates consisting of sub-readers, utter barristers, inner barristers, and students. There were no permanent or hired officials—no professors—no tutors. The work was done by members selected and advanced for their proficiency. The young student who had quitted his Inn of Chancery, was, after three years' study and discipline, called by the Chief Reader to the Bar of the Inns of Court. In other words he became an *Inner Barrister* or *Barrister of the Inn*, a degree which satisfied him if he had no view to practice. If he meant to follow the profession, he was next appointed an *Utter* or *Outer Barrister*; but it was ordered 'that none should be 'called to the Utter Bar except by the General Ordination Council in term time;' and none were 'admitted to 'plead in any of the Courts in Westminster, or to subscribe 'any Action or Bill, unless he were for five years an Utter 'Barrister, continuing that time in the exercise of learning.'‡ Utter Barristers were chosen to be Sub-Readers, and next aspired to the Chief Readership, which gave dominion in the Inn while the office lasted. At its close the Chief Reader became, unless otherwise promoted, a Bencher.

As to the exercises, we take the following account from a lecture delivered nearly twenty years ago, by a barrister, now a Bencher of Lincoln's Inn.§ The description refers to the

* See *Attorney-General v. Morgan*, before Sir John Leach and Lord Eldon, 2 Russ., 306.

† Royal Charter of 13th August, 1609.

‡ Order of 1574.

§ Mr. Macqueen, Q.C.

Middle Temple; but the course pursued in the other Inns of Court was, we believe, substantially the same:—

‘For educational purposes, the year was divided into moieties. The Benchers appointed a Chief Reader and four cupboard-men (so named from the cupboard, a sort of rostrum in the middle of the hall), to do duty for the first half-year, from the beginning of Hilary Term to the end of Easter. They appointed another Chief Reader and four cupboard-men to perform the like duty from the beginning of Trinity to the end of Michaelmas. In Term time the members were supposed to be engaged for the earlier part of the day in the Courts at Westminster. Exercises, therefore, were deferred till after dinner and after supper. On the Mondays, Wednesdays, and Fridays mootings were maintained, under the superintendence of the great functionary, the Chief Reader, and three of the Benchers. These mootings consisted of feigned cases thrown into the form of pleadings, which were opened by a student, and followed up by an Utter Barrister. The debate was then taken in hand by the cupboard-men, with whom, likewise, the Benchers contested. And finally, the Chief Reader himself, high over all, closed the discussion by delivering his opinion. The avowed object of these exercises was to promote the faculty of ready speaking. At the close of Hilary Term the Chief Reader was to prepare for the delivery of his Lent Lectures, technically called his Vacation Readings. He was also to provide the means for the ceremonies and festive entertainments. And this last was the most serious part of the business; for he was obliged, or expected, to maintain great state in the Inn. While delivering his lectures he kept open house in the Hall, and out of his private purse defrayed all the charges. Dugdale tells us that in ten days one Chief Reader spent 600*l.* in feasting his visitors—an enormous sum, if we consider the then value of money. He feasted nobles, prelates, ministers of State, judges, royal favourites, court parasites, and civic functionaries; in short, all who by their good word might advance his interest or exalt his reputation. But, it will be asked, what induced the Chief Reader to sustain this formidable outlay? The answer is, the office, in the first place, was the only channel to the Society’s Bench. This, however, was but a small part of the advantages expected from it. The Chief Reader had not only the first rank in the Inn, but had precedence in Court the moment his appointment was notified to the judges. He had the privilege of calling students to the bar of the Inn; and from his class were chosen the Judges, the King’s Attorney-General and Solicitor-General, as well as the King’s Serjeant; to say nothing of the inferior, though lucrative, offices of Attorney-General to the Court of Wards and Liveries, and Attorney-General to the Duchy. So says Dugdale. The Vacation Readings following Trinity Term generally lasted about a month. The Chief Reader, before commencing operations, withdrew from the public eye for some time, in order to enhance the effect of his reappearance. On a given Sunday he disclosed himself in the Temple Church, attended by a retinue of friends and admirers; a sub-reader bearing his train, an utter barrister carrying his bag, and sixteen

servants in livery swelling the procession. On the following Monday in the morning, he repaired to the Hall, where the Society were assembled; and they all had breakfast together, the Chief Reader presiding. The proper business of the day began by an announcement of the subject selected for commentary. This done, the Chief Reader delivered his prælection. But here again it would appear that he was not only to lecture and expound, but to conduct disputations; for no sooner had he finished his reading than the cupboard-men fell to work, impeaching his conclusions, right and left, the judges and serjeants joining in the fray; until at last the Chief Reader himself vindicated his own opinions, and, for the time, put an end to the discussion. At this stage, dinner was served. That meal over, the debate was revived by one of the indomitable cupboard-men, who forthwith challenged the Chief Reader to discuss with him his cases. Other combatants followed; and again, as before, the Chief Reader interposed to finish the debate, which he invariably did by giving judgment in his own favour, and demolishing his antagonists. The repast of supper was then announced, "and so," says Dugdale, "that day's exercise was terminated." In the ensuing Easter Term the same Chief Reader again predominated at mootings, in like manner as he had previously done in Hilary; and as the reward of his services (supposing nothing more advantageous to have been offered to him) he became a Bencher of the Inn, not by election, but of right. In Trinity Term the second Chief Reader succeeded and pursued a career precisely corresponding with that of his predecessor. So that it must frequently have happened that two Chief Readers were each year advanced to the government of the Society.'

The Mootings had much to recommend them. They imitated the real business of the Courts, gave practical instruction, and instilled self-possession; affording also the most legitimate of all opportunities for showing the capacity of those who, as matter of discipline, were obliged to come forward. These exercises (freed from their ancient ostentatious formalities) might again be made useful. In this opinion we are fortified by Mr. Lowe,* who thinks that 'the old system of putting 'cases might be revived with great benefit.' As to the readings or lectures, we cannot speak with certainty; though the discussions which followed them must have been enlivening and attractive, and for that very reason beneficial. But pompous revels, originating in monkish observances, brought ridicule and odium on the Inns of Court. The Puritans, especially 'the bigots of the iron time,' were offended. The benchers themselves, though divided in opinion as to the policy of maintaining these ancient recreations, at last put an end to them. But this was not all. Whatever may have been the cause, it is certain that other and much greater changes,

* The Chancellor of the Exchequer, Report of 1855, p. 134.

some extremely mischievous, took place during the 'Troubles,' and under the Commonwealth. Cromwell cared little for the law, and less for the Legal University, an institution essentially monarchical. The regal patronage ceasing, chief-readerships were no longer sought, and were discontinued. Sub-readerships shared the same fate. Lectures, mootings, and exercises became farcical formalities. Utter barristers, whose long curriculum of eight years was felt to be oppressive, vanished from the scene, and left their work to the inner or junior barristers, the barristers of the inn, who thereupon became barristers-at-law, their present designation. The students were left to themselves. The old course of tuition, which had matured so many men eminent in the law and in political life, fell into disuse, the benchers providing no substitute for that which they suffered to expire, if they did not actually extinguish it. Lord Chancellor Clarendon and Sir Matthew Hale did their best to revive the ancient discipline, but they failed.

The benchers no longer came in by right as chief readers, but were chosen by the Council. Men of mark and standing in the profession were selected—practical men, who joined for social purposes—men who thought little of legal education, and had done nothing to promote it. In 1670, Mr. North (afterwards Lord Chancellor Guilford), having been appointed 'one of the King's council, learned in the law,' when about thirty years of age, claimed to be made a bencher of his inn—the Middle Temple. His application was refused, the benchers responding that 'if yongng men by favour preferred came up straight to the bench, and by their precedence were allowed to top their more ancient brethren, the constitution of the Society would be destroyed.' These objections the judges (of whom Sir Matthew Hale was one) overruled—telling the benchers as they came before them that 'until they had done their duty by calling Mr. North to their bench they must not expect to be heard in His Majesty's Courts.' The benchers gave way, and we think wisely; for when they talked of their 'constitution' they forgot that they had themselves shaken it severely; otherwise their answer to Mr. Norton would have been triumphant. They might have told him 'that he had not performed the duty of chief reader, and therefore was not entitled to the honour which he claimed.'

Looking at the composition of the bench, we think it probable that at this period a doctrine was invented, which has still some supporters, who affirm that barristers ignorant of law can do no harm to the public, since no one will employ them.

This plausible theory goes deep into the history of the Inns of Court for the last two centuries, and explains the benchers' conduct. They held that a barrister's education was entirely his own affair. They furnished him with dinners, but they supplied no instruction, nor did they inculcate any study or discipline. One of their first duties was to look after their libraries—scantily furnished as we know they were with books. When the Act of Queen Anne, 'for the encouragement of 'learning,' was passed, the benchers had an opportunity, never likely to occur again, for doing good service and securing a lasting benefit to the Inns of Court. By that statute eight bodies, including the Edinburgh Faculty of Advocates, were empowered to exact for their respective libraries, copies, 'upon the best paper,' of all works published after March 1710. Of the favoured libraries three were English and five Scotch. The benchers were on the spot;—they did nothing, they asked nothing, and they got nothing. Yet each of the Inns of Court had its ancient separate library. That of Lincoln's Inn dates so far back as 1552. In 1857, it had only 28,000 volumes; whereas the vigilant advocates of Scotland had by that time secured under the statute no less than 172,000 volumes, embracing every branch of science, philosophy, jurisprudence, literature, and the arts.

The inattention or lethargy of the benchers on this and other occasions, springing partly from the doctrine of 'harmless ignorance' * to which we have referred, and partly from an erroneous fancy entertained by some of them that they were voluntary bodies, having no duty to perform,—gradually gave rise to an impression, not yet displaced, that four divided bodies, without a head and without superintendence, were scarcely fitted, however pure and untainted, to conduct adequately the functions, or to secure adequately the objects, of a Law School—to say nothing of a Legal University.

In 1727, all that the benchers required of Lord Mansfield, when a student at Lincoln's Inn, was that he should dine in their hall five days each term for three years. A sort of exercise was still kept up, consisting of but six words:—'I am 'for the widow's dower'—uttered by the young candidate standing at the bar table, and always rewarded by a good-humoured recognition and a condescending smile from the

* It appears that the late Mr. O'Connell went so far as to say that 'even if disreputable persons were called to the Bar, the public would suffer nothing; the public not being compelled to employ them.' (8 *Law Mag.*, p. 135.)

seniors. Discipline had utterly disappeared, although two or three sub-readers were still nominally continued, the performance of their duties being satisfied by the payment of a fine. Mr. Justice Blackstone, who in 1740 became a student at the Middle Temple, tells us that 'all sorts of regimen and academical superintendence, either with regard to morals or studies, were found impracticable in the Inns of Court, and were therefore entirely neglected.' That they were found 'impracticable' we disbelieve; but that they were 'entirely neglected' seems redundantly established by evidence.

It was at this period that Blackstone, having formed the design of reducing into system the Common Law of England, prepared lectures, which afterwards formed the basis of his great work. In 1753 he delivered his first course at Oxford, and was elected Vincian Professor. His lectures soon became so celebrated that he was requested to read them to the Prince of Wales (afterwards George III.), but being then engaged with a numerous class of pupils he declined the honour. Blackstone was greatly patronised by Lord Mansfield, who wrote for him the *equitable* portion of the Commentaries—a fact which shows that his lordship favoured this method of instruction, which the benchers would seem to have repudiated.

Until the middle of the last century, the only mode of preparation for the Bar was by voluntary private study, and by vigilant attendance in the Courts; young men, before their call, taking generally a year's practical instruction in an attorney's office. Lord Thurlow followed this course, and also the Poet Cowper, in 1753. But soon afterwards the system of *pupillising* with barristers came into vogue, and has ever since been followed. Thus Lord Erskine commenced his legal career, first as a pupil with Mr. Buller, and afterwards with Mr. Wood, both eminent special pleaders, who in time became judges. Pupillising, which has much to recommend it, though entirely without aid from the benchers, is now almost constantly observed, scarcely anyone coming to the Bar with a view to practice who has not been for two or three years in the chambers, successively, of a special pleader, a conveyancer, and an equity draughtsman, the instruction being derived less from tuition than from work and observation. But here we must remark that, although 'pupillising' has been described 'by Lord Cairns* as a most useful introduction to the actual routine of business,' the Commissioners of 1855 report their opinion that 'the system of practical study in a barrister's

* Comm. Rep. of 1855, p. 137.

'chambers affords no facilities for the study of the scientific branches of legal knowledge, including under that term constitutional law, legal history, civil law, and jurisprudence,' properly derivable from lectures and examinations. This consideration the benchers inexplicably overlooked, although the consequences were pointed out by Blackstone, who says that 'as young men of rank and figure' could not get what they required in the Inns of Court, they 'retired to their estates, or visited foreign kingdoms, or entered upon public life, without any instruction in the laws of the land.' Although 'pupillising' proved successful, it furnished no adequate excuse for the benchers, whose apathy was censured severely in a work published in 1780, by Mr. Cunninghame, a member of the Bar and a well-known legal writer, at the request, he tells us, of 'certain members of Parliament, who desired to remedy the abuses of the four Inns of Court and of the nine Inns of Chancery.' The principal grievance alleged was that the barristers were called without examination, and occasionally by collusion. Even the judges did not escape impeachment; for they were charged with admitting attornies 'to increase the business at their chambers,' the remuneration of judicial services not then wholly depending as now upon salary.

During the Chancellorships of Lords Thurlow, Loughborough, Erskine, Eldon, and Lyndhurst, little or no encouragement for the improvement of legal education was held out. The inertness of the benchers continued. They provided no instruction for their students; but called them punctually to the Bar upon proof of the stipulated dinners. The cessation of discipline had now lasted for nearly two centuries, yet no one found fault with the benchers, although jokes at their expense were occasionally uttered with reference to the dinners and the 'exceedings.' That some barristers were unskilled in the law and ignorant of practice is undeniable; but that there was an abundant supply of *able* barristers is no less certain. They were all unapproachable except by intervention. The attornies, now called solicitors, must first have been resorted to, and they advised as to the selection of counsel. Their own duties too were important; for the solicitor had often to act in critical matters without advice, and subject to a responsibility from which barristers are free. And the truth is that the qualifications of solicitors, from the necessity of employing them, are in ordinary transactions more serviceable to the community, and their defects more pernicious, than those of the barristers. For the public good, therefore, as well as for their own advantage, the solicitors in 1833, much to their

credit, established three lectureships in London upon law. They soon afterwards commenced 'examinations,' and founded their 'Incorporated Law Society.' They have now a most useful library and a hall for readings. This Institution, supported by voluntary subscriptions, has proved of unspeakable benefit to the solicitors themselves; but more especially to their articled clerks, who come up annually from the provinces to complete their professional education.

In the wake of the solicitors, but falling greatly short of their performance, the benchers of the Inner Temple, in the same year 1833, made an attempt to establish voluntary lectures, which were given by Mr. Austin, on Jurisprudence, and by Mr. Starkie on Common Law. The experiment failed, although the lecturers appointed were both of the first eminence; and the reason of the failure, Sir Roundell Palmer observes, 'it is not difficult to see. There was no organised system of which the lectures were a part; no stimulus applied to compel the students to go to them; and no system of examination dependent on them.' There was, moreover, the want of combination, or rather the dissent, of the other three Inns of Court.

It was not till the year 1845 that the benchers of the four Inns of Court, seeing the progress of the solicitors, were at last roused from their long lethargy by Lord Westbury, then leader of the Chancery Bar, and by other distinguished members of the legal profession, who combined to establish, under the government of all the four Inns of Court, a rational system of legal education. Four lectureships were accordingly set on foot—one on Equity at Lincoln's Inn, one on Common Law at the Inner Temple, one on Civil Law at the Middle Temple, and one on Conveyancing at Gray's Inn. In the meantime a committee of the House of Commons, after an elaborate investigation,* reported that 'the four Inns of Court should form a species of Law University, the institution to be sought in the application of establishments having ancient privileges, large accommodations, ample funds, and venerable associations.' Encouraged or impelled by these stimulants, the benchers, again at the instigation of Lord Westbury, collectively assembled in 1851, 'to provide for the better instruction of students;' and the result was the formation of a 'Council of Legal Education,' under whose auspices six readers were appointed, and are still continued, namely, one reader on Jurisprudence and Civil and International Law, one on the Law of Real Property,

* Report of 1846.

one on the Common Law, one on Equity, one on Constitutional Law and Legal History, and one on Hindu and Mahomedan Law.*

Complying with an Address from the House of Commons, a Royal Commission was issued in 1854, 'to inquire into the 'arrangements of the Inns of Court, and also into those of the 'Inns of Chancery for promoting the Study of the Law and 'Jurisprudence; the revenues properly applicable to that 'purpose; and the means most likely to secure a systematic 'and sound education for Students of Law, and to provide 'satisfactory tests of fitness for admission to the Bar.'

The Commissioners were Lord Westbury (then Chancellor), the Chief Justice of England,† Mr. Justice Keating, the present Lord Chancellor, Sir John Coleridge, Sir Joseph Napier, Sir T. Erskine Perry, and Sir John Shaw Lefevre; who reported that 'as regarded the intellectual qualifications and 'professional knowledge of a barrister, there was not such 'security as the community was entitled to require.' Several witnesses were examined before them, among others, Mr. Lowe, the present Chancellor of the Exchequer, who gave it as his opinion that 'the Inns of Court, as a University, were 'in a state of decay;' but that they might recover as the University of Oxford had done in the beginning of the present century. Mr. Lowe urged the necessity of examinations for practising barristers, at the same time remarking that every English gentleman 'who is independent, and whose time is at 'his own disposal, should be educated in law.'

Sir Roundell Palmer, commenting on the Report of 1855, makes the following observation as to the evidence:—

'With regard to what had been done in 1851, Mr. Maine, at that time one of the readers, said it had been successful so far as its inherent defects had allowed it to succeed; those defects being, first, its want of systematic character; and, secondly, the absence of compulsory examination. He (Sir Roundell Palmer) very much agreed with this view. The opinion of Mr. Maine was, he believed, shared by every one of his colleagues except the late Mr. Lewis, the eminent man he had before referred to.‡ The same opinion was expressed by Mr. Broom, Mr. Birkbeck, Mr. Walpole, and by the late Mr. Phillimore; and Lord Cairns, although not one of the lecturers, and although giving evidence

* Indian students flock to Lincoln's Inn, where Sir Edward Ryan kindly watches and protects their interests.

† Sir Alexander Cockburn.

‡ Mr. Lewis lectured and conducted mootings on conveyancing for several years with great success at Gray's Inn till 1852. He was against compulsory examinations.

rather strongly in favour of the ordinary way of acquiring knowledge by reading in the chambers of a barrister or conveyancer, still expressed his concurrence very decidedly in the opinion that to make the system what it ought to be, compulsory examination was absolutely necessary.'

In order to present both sides of the question, we extract the following important remarks from the Evidence of Lord Cairns, who was then, in 1854, a young but eminent member of the Chancery Bar:—

'It has occurred to me that it would be possible to effect a system of legal education connected with the Universities of the country—Oxford, Cambridge, and Dublin. I do not think that London is the best field for anything that assumes the form of a collegiate education. When young men come to London their great desire is to get on as fast as possible in order to be called to the Bar. When the general education of a young man is finished, and he devotes himself to the profession of the law, the course of study should be exclusively special. During the time he is in the chambers of a barrister, his attention should not be distracted. It is as absurd to think of anyone practising as a barrister without special training in chambers, as it is to think of anyone practising surgery without walking the hospitals. I would allow a legal degree at the University to stand in the stead of a compulsory examination. The person who obtained the highest reward, and those who came up to a certain standard of merit, should be exempted from a compulsory examination when called to the Bar. I would trust that the energy and ability which enabled any person to obtain a legal degree with a certain standard of merit at college, would be a sufficient guarantee to the Inns of Court that he would also have technical knowledge when called to the Bar. I would have compulsory examinations for those who are not members of the University who have not come up to the required standard.'

The Commissioners gave it as their opinion that 'the four 'Inns of Court should be united in one University.' They made important suggestions as to examinations compulsory and voluntary; but we do not find that they recommended or prescribed any specific course of educational training. Lord Cranworth, then Chancery, did not agree with the Commissioners as to compulsory examinations for the Bar. He refused to carry out their scheme, which he apprehended would diminish the resort of students to the Inns of Court, altering their ancient character and rendering them purely professional establishments. Lord Cairns, in 1863, moved a resolution at the Bench of Lincoln's Inn, that it would be expedient 'to create a Legal University, to which the various 'Inns of Court might be affiliated, and through which legal 'degrees might be conferred and discipline exercised.' The

resolution was carried and communicated to the other Inns of Court, but no result has followed.

By the Consolidated Regulations of 1869, whoever desires to become a barrister must be admitted into an Inn of Court, and must show a certain amount of literature before he can be received. It is enough that he has passed a public examination at any of the Universities. But if he have not done so, an examination will take place to ascertain that he is acquainted with the English and Latin languages, and with English history. He must declare, and it must be certified, that he is not an attorney, solicitor, writer to the Signet, writer of the Scotch Courts, notary public, parliamentary agent, or clerk to any legal functionary. No other interdiction appears; but two barristers must certify that the candidate is 'a gentleman of respectability, and a proper person to be admitted into the Society.' If he be a member of one of the English, Scotch, or Irish Universities, he may keep terms by dining in Hall three times in each term. But if he is not a member of such university, he must dine six times in each term; and it is imperative that he 'be present at the grace before dinner, during the whole of dinner, and at the grace after dinner.' There being four terms in each year (Hilary, Easter, Trinity, and Michaelmas), he must keep twelve terms before his call to the Bar. In other words, he must be for three years on the books of the Society. He must, moreover, 'during one whole year' attend lectures, or be a pupil in the chambers of a barrister, or satisfactorily pass a general examination. Any one of these three distinct and independent essentials being satisfied, he is, on attaining the age of twenty-one, 'eligible to be called to the Bar.'

The most important of all the regulations is one which appoints 'general examinations' to take place twice a year, to be conducted by two members of the Legal Council, with the readers, who are authorised to confer studentships of fifty guineas, and exhibitions of twenty-five guineas each, per annum, for three years, on those who propose themselves for such examination, and make the best appearance on the occasion. Such are the rules of the 'Legal University.' The lectures need not be listened to. The pupilisation may be a mere form; and the examinations may be without any curriculum of study. The dinners alone are compulsory and fortified by tests. This system presents, it must be owned, a remarkable contrast to that established in France, Italy, and Germany, where the law student has to go through a University course of four years with periodical examinations before his call; and a

further stage of two years in the atmosphere of the Courts before entering into practice as an advocate.

The past history, now closed, of the Inns of Court demonstrates, as we have said, that they are public institutions. Their present attitude establishes the same conclusion. Bodies which confer public status and grant public degrees must themselves be public, and act by State authority. The Inns of Court have enjoyed and exercised these high powers for more than five centuries, without challenge and without objection. To a great national and learned profession there is no access but through them. They alone can constitute the barrister, who instantly on his call, whatever may have been his previous rank, becomes an esquire, and has the exclusive privilege of pleading for others in the Courts at Westminster, without any responsibility to clients.* From his class, moreover, the legal advisers of the Crown and the judges of the land are chosen. Having the power of creation, the generators of this favoured functionary have also the power of extinction. They can disbar and degrade the barrister for misconduct. To say, therefore, as some have said, that the Inns of Court are so many accidental clubs or voluntary associations formed by private compact, and liable to disunion at the volition of the parties, seems inconsistent, not only with the rights which these bodies enjoy, but also with the rights which they confer. The Commissioners of 1834 remark that 'the immunities of a 'voluntary society ought not to be allowed to any body of 'persons claiming to be the medium of admission into one of 'the learned professions'—evidently showing that they regarded the Inns of Court as public institutions, without actually describing their character. But when we remember the opinions of Chief Justice Fortescue, and of Sir Edward Coke (the one writing in the fifteenth century, the other in the seventeenth), both pronouncing them 'Universities'—when, moreover, we read the Charter of James, which speaks of 'those four colleges, 'the most famous of all Europe,'—it seems unnecessary to repose on that unity of time and place which concurred in their establishment, or on that similarity, or rather that substantial identity, of constitution and government, which has so long distinguished them; demonstrating, we conceive, irresistibly, that they were originally no private work, or jobbing speculation, but a great, a wise, and a national contrivance, required at the time, and worthy of their founder—our English Justinian.

* Comm. Rep. 1855, p. 13.

Their progeny, the barrister, is not merely a forensic advocate, possessing exclusive privileges and immunities, but a sworn public officer, and, as Lord Langdale affirmed, a minister of justice bound to assist the Courts, when he can, with advice and information. He has been described somewhat fancifully as 'a priest in the temple of justice,' having, indeed, stepped into the shoes and inherited the garb—let us say also the virtues—of the ancient clergy, his predecessors. The judges have a right to his aid, and are wrong when they dispense with it, especially in the higher tribunals. Very recently Lord Hatherley, speaking from his experience in the Shedden and other cases, where the parties themselves addressed the House, observed that 'their lordships had a right to be assisted by counsel, so as to have cases argued in the best possible manner.' Upwards of thirty years ago, Lord Langdale, then Master of the Rolls, expressed the 'sense he entertained of the truly honourable and important services which counsel constantly performed, as ministers of justice, acting in aid of the judges before whom they practised.'* His lordship on the same occasion laid it down that 'no counsel supposes himself to be the mere advocate or agent of his client, to gain a victory on a particular occasion. His zeal and arguments are qualified, not only by considerations affecting his own character as a man of honour, experience, and learning, but also by considerations affecting the general interests of justice.' Mr. Shaw Lefevre† tells us that in France an advocate is not at liberty to 'appear in a case which he knows to be bad.' This reminds us of the question put by Boswell to Dr. Johnson, and the wise answer, which seems to have governed the etiquette or practice of the English Bar: 'You cannot know whether a case is good or bad till the judge determines it.' Lord Brougham, defending Queen Caroline before the House of Lords, affirmed that 'an advocate in the discharge of his duty knows but one person—his client; to save whom he must not regard the alarm, the suffering, the torment, or the destruction which he may bring upon others. Reckless of the consequences, he must go on, even though he should involve his country in confusion for his client's protection.' It would appear that reflection and the lapse of time produced no change in his lordship's views on this subject; for in November 1864, addressing the English Bar assembled in the Middle Temple Hall at the Berryer entertainment, Lord Brougham re-announced

* Keen, p. 668.

† On the Discipline of the Bar, p. 29.

his opinion, often communicated to his friends in private, that 'the first great duty of an advocate is to reckon every thing 'subordinate to the interests of his client.' But this sentiment was instantaneously and emphatically, though most courteously, contradicted—we must say corrected—by the Lord Chief Justice of England, who declared 'that the arms which an 'advocate wields he ought to use as a warrior, not as an 'assassin. He ought to uphold the interests of his clients *per fas*, but not *per nefas*. He ought to know how to reconcile 'the interests of his client with the eternal interests of truth 'and justice.'

But it must also be borne in mind that the solicitor is an object of much interest to the public, who derive the greatest benefit from his services. He can distinguish himself only by useful, quiet, and unambitious respectability. He is, however, much older than the barrister. He figured before the Inns of Court were dreamt of; and while society lasts he must continue. The business of life cannot go on without him. It is surely, therefore, indispensable that this gentleman, in whom everyone confides, should stand well and even high in the social scale. Why should he not be on a par with the writers to the Signet and solicitors of Scotland, 'who have,' Mr. Forsyth tells us,* 'a degree of honourable respectability not 'surpassed and not equalled in other countries'? In the 'Heart of Midlothian,' Sir Walter Scott, himself the son of a W. S., and an apprentice to his father, describes 'two dashing 'blades,' the one an advocate, the other a 'writer' or 'law 'agent' (according to the Scotch nomenclature), both travelling together on the circuit; 'lively young men in the hey-day of 'youth and good spirits, playing the part which is common 'with the higher classes of the Law in Edinburgh.' Now does any harm arise from this absence of demarcation in Scotland? Does the Scotch Bar suffer? We believe that such an idea was never entertained in that country. Some of Sir Walter Scott's most intimate friends through life were writers to the Signet, although he himself, without finishing his apprenticeship, resolved to become an advocate. The Scotch Bar, as Lord Brougham said, 'is a Bar justly celebrated, 'perhaps beyond the Bar of any other country, not only for 'legal accomplishments, but for science and literature.' Yet no one who knows the 'Parliament House' will fail to acknowledge that the intercourse there observable between counsel and agent is easy—and even intimate—but perfectly

* Scotch Juridical Report, 1824.

consistent with the relative position of the parties. In England, we are pleased to see that the solicitors are moving upwards; some beginning their career at Oxford or Cambridge—then serving their clerkships—and finally going ‘into the chambers of a conveyancing barrister, or special pleader for six or twelve months; so that the necessary cost of an attorney’s education is considerably larger than that of a barrister.’* This being so, we ask, is it reasonable, that solicitors and their articled clerks, paying their fees like other students, should be absolutely excluded from the lectures of the Inns of Court? The Judges have to satisfy themselves as to the fitness of all persons applying to become attorneys and solicitors; who, accordingly, have to pass two strict examinations; and yet they complain that their means for obtaining professional education ‘are extremely scanty and imperfect.’ The benchers can easily remedy this evil; and by so doing, they will not injure but benefit the Inns of Court, which exist, as Sir Roundell Palmer observes, ‘only for the public good.’ At the Edinburgh University law students of every kind are instructed in combination; as was the case in England when Fortescue and Gascoigne studied with Billing, the attorney’s clerk (afterwards Chief Justice), in the Inns of Chancery—initiatory education being the same for both branches of the profession; thus giving youths the best opportunities for deciding wisely, from observation and comparison, whether they shall become ultimately barristers or attorneys. Why, in legal studies, should there be a segregation unknown in any other profession, and why in England should there be a segregation unknown in any other country?

Several eminent provincial solicitors issued an address in 1868, proposing the establishment of ‘a Legal University in London, and suggesting that in the Inns of Court and in the incorporated law societies there were elements sufficient to form the basis of the desired institution.’ The project was favourably received by several leading members of the profession, and a great meeting took place in Lincoln’s Inn Hall, on the 6th July 1870, for the formation of ‘A Legal Education Association.’ Sir Roundell Palmer was in the chair, there being also present the Attorney-General, the Solicitor-General, Sir Edward Ryan, Vice-Chancellor Wickens, and a great number of Queen’s counsel, barristers and solicitors. Sir Roundell Palmer delivered an instructive speech (from which we have already made extracts), upsetting the doctrine of

* Evidence of Mr. Cooksen, Report of 1855, p. 130.

‘harmless ignorance’ by a declaration that ‘he had known, in ‘course of his life, some few men of no inconsiderable practice ‘and no small emolument, as to whom he could not positively ‘say that he believed they knew any law whatever.’

The meeting was most successful, nothing but unanimity prevailing. The Society was formed, and Sir Roundell Palmer, on the motion of Mr. Amphlett, Q. C., was elected permanent president. An address was subsequently published, stating that the proposed institution would embrace all classes of students, whether intending, or not intending, to follow the legal profession. In furtherance of the same object, on the 11th of July last, Sir Roundell Palmer brought the subject of legal education under the notice of the House of Commons by moving an address to the Crown for the establishment of a General School of Law in London. He observed that

‘Ages ago men spoke of the Inns of Court as a Legal University, but it was no untrue description of English law studies now to say that they were unsystematic, unscientific, desultory, and empirical. This was shown by our crude and undigested legislation, which, as yet, evinced no tendency towards amendment. The many public offices open to barristers rendered it imperative that they should attain to a certain standard of legal qualification. Whether paid or unpaid, they should possess legal knowledge. And as from this country law radiated to other regions, particularly to our Colonies and the East Indies, we should do our best to send out competent judges, magistrates, and counsel. He had a letter from an eminent Indian judge, Mr. Justice Markby, asking whether the natives of India, who came here to study the law, found what they had a right to expect. It was of importance to all that there should be established in this country a school of law where every man could obtain sound and scientific instruction; but for barristers the want of compulsory examination had proved fatal to the present system. In this state of things, a body of gentlemen last year formed themselves into an association, and put forward proposals for a general course of study and examination, under the management of a Legal University, to be incorporated in London. It was their wish to act in concert with the Inns of Court and the different law societies throughout the kingdom. The Universities of Oxford and Cambridge had appointed committees to co-operate; and the University of London had expressed a general approval of the scheme, though objecting to so much of it as was meant to constitute the intended body, strictly and technically, into a university with power to give degrees. In consequence of that objection he omitted the word “University” from his motion. He had received a communication from the University of Edinburgh which favoured the proposed institution. The Lord Chancellor and eleven of the judges, Sir William Erle, Sir John Taylor Coleridge, and Sir Joseph Napier, also concurred. The attorneys and solicitors of the Incorporated Law Society, and the law societies in other parts of the

kingdom, were of the same mind. The Inns of Court, too, had appointed committees to confer on the subject, and by their resolutions had advanced in the same direction. All declared their acquiescence in the principle that there should be a general School of Law, and that there should be an efficient examination before anyone was admitted to practise at the Bar. But Lincoln's Inn and the Inner Temple wished to keep the education for the Bar entirely separate—and desired to retain the whole power which they now possessed in the hands of the Inns of Court. Now he could not agree to this. The Inns of Court had no pretence whatever to claim an exclusive control. They did not represent the Bar. They had no representative character. The Committee of 1846 saw that it was inexpedient to draw a line of demarcation in the early stage of legal education. The intercourse of students belonging to different branches of the profession, so far from being an evil, would, in his opinion, in many respects tend to the positive advantage of both.'

Sir Roundell then moved his Resolution, that the establishment of the proposed school was expedient, and that an humble address should be presented to Her Majesty praying a Royal Charter of incorporation, the House being prepared to concur in the necessary legislation. Mr. Osborne Morgan, Q.C., a Bencher of Lincoln's Inn, seconded the motion. Mr. Jessel, Q.C., also a Bencher of Lincoln's Inn, opposed it; remarking that

'After the most eminent lawyer in the House, and the acknowledged head of the English Bar, had introduced the motion, he could not expect to obtain for his opposition much attention. An important question was, Whence were the funds to be derived? He was afraid the Chancellor of the Exchequer would say: "If these gentlemen want a school of law, let them pay for it out of their own pockets." The Committee of Lincoln's Inn had rejected the scheme by a majority of 18 out of 26; and their example had been followed by the Council of the Incorporated Law Society. The Committee of 1846 had reported their opinion that the desired institution should be sought rather in the application of old establishments than by the creation of new ones. All had been carried out that was recommended excepting what he admitted to be a vital point—the establishment of a compulsory examination. The Inns of Court had been rather late in their conversion to it. But they all now agreed in its necessity. Then why should the action of the Inns of Court be superseded by an unknown and untried body? He said, without fear of contradiction that the Benchers did represent the Bar; but they did not wish to exclude country gentlemen who desired to learn the Law. If the Inns of Court did not within a reasonable time establish an efficient Board of Examiners, he should be ready to vote an address to the Crown on the subject. But the step, he thought, was now premature.'

Before we respond to the appeal addressed to us by Sir Roundell Palmer on behalf of a School of Law to be supported

by voluntary contributions under Royal or Parliamentary patronage, and before we answer the question put by Mr. Jessel as to the funds necessary for this undertaking, we should wish to be informed why the Inns of Court and of Chancery cannot be rescued by the authority of Parliament from their present condition, and restored to their ancient and proper uses? It is admitted that they are public corporations. They are known to be rich, though no one clearly knows to what purposes their funds are applied. They exercise considerable powers. But till recently they had allowed their duties as the educators of the legal profession to fall into desuetude, and these duties are still most imperfectly discharged. We wish to see the Inns of Court and of Chancery restored to their proper objects and their pristine activity; and before we can give an unqualified assent to Sir Roundell Palmer's proposal to found a new School of Law in London, we desire that the old Schools of Law, which may be said to be coeval with the law itself, should be restored to complete efficiency. The Commissioners of Inquiry have already shown in what manner this could be done, and pointed the way; but hitherto energy and authority have been wanting to surmount the opposition which corporate interests ever present to the progress of Reform. In our opinion, the same policy should be applied by Parliament to the Inns of Court which has brought about such important changes in the Colleges of Oxford and Cambridge. They should have a short term of grace allowed them to adopt for themselves a complete and efficient system of Legal Education, subject to the approval of competent Commissioners and of the Crown; because it is always preferable that reforms of this nature should be effected within the body they concern. But in the event of their failing in the discharge of these duties, their powers and their property should be vested in a Commission whose duty it would be to restore them to the important national objects for which alone they were originally designed. If this were done, we see no reason to suppose that it would be necessary to intrust the future education of our lawyers to any modern voluntary association, or to raise funds for that purpose by subscriptions or shares. The Inns of Court and of Chancery are the proper schools of Law of this country, and they should be compelled, if necessary, to restore and uphold the scientific and philosophical, as well as practical, knowledge of a noble profession, in which this country is so strangely and lamentably deficient.

- ART. VIII.—1. *Histoire de la Commune de Paris en 1871.* Par SEMPRONIUS. Paris: 1871.
2. *Paris Livré.* Par GUSTAVE FLOURENS. Paris: 1871.
3. *Paris sous la Commune.* Par ÉDOUARD MORIAC. Paris: 1871.
4. *The Civil War in France. Address of the General Council of the International Working Men's Association.* London: 1871.
5. *L'Internationale.* Par OSCAR TESTU. Troisième édition. Paris: 1871.

OF all the revolutions of which Paris has been the theatre and the victim, none assuredly ever took her so much by surprise as that of the 18th of March. The public awoke one morning to find a new Government installed at the Hôtel de Ville, composed of men whose names, with the exception of those of Lullier and of Assi, were utterly unknown to the vast majority of Parisians. The general feeling at first was one of absolute stupefaction and bewilderment. An obscure faction, which had long been organising itself in secret with revolutionary aims but with no settled plan of revolution, found itself all at once in the unopposed possession of the most magnificent capital in Europe, with such an army, such fortifications, such fortresses, such an abundance of cannon and all war material, as no insurrection had ever held at its disposal since the beginning of the world. They were almost as much surprised themselves as the Government which they put to flight. For more than two months this insurrection carried on a revolt against the Government of France of a magnitude unparalleled in history. For more than two months they governed a population of two millions with a despotism more crushing than any Paris has ever known, until having by acts of violence and implacable fanaticism driven into exile or rendered hostile myriads of citizens who had yielded them at first a hesitating recognition, they were reduced to a band of desperadoes and fanatics, the blackest sediment of the ever-boiling revolutionary cauldron, who recruited their thinned ranks from the innumerable dens of vice and savagery which are the curses of large cities, placed arms and incendiary instruments in the hands of malefactors and convicts, did such deeds of colossal atrocity as convulsed the world with horror, and showed that they wanted not the will but only the power to involve the whole civilised world in their own ruin.

The elements of this insurrection are, no doubt, to be found in the various revolutions of 1793, 1830, 1848, in the *coup d'état* of 1852, in the corruption of the Second Empire, and, finally, in the Revolution of the 4th of September. The baleful prodigy, however, of whose disastrous vitality the world has lately had such astounding evidence, began its growth with the commencement of the siege of Paris by the Prussians, and showed its first signs of activity in the insurrections of the 31st of October and the 22nd of January. During the four long months of siege Paris was, to use the coarse expression of Bismarck, 'frying in its own gravy.' The malignant venom of civil disorder was, indeed, seething in the vitals of the city during the whole of these terrible winter months, when the people of Paris astonished the world by the resignation and capacity for sacrifice and endurance which they evinced amid the terrible privations of the siege; and that this insurrectionary evil did not break out before was owing to the unexpected patriotism and devotion to order shown by the immense majority of the inhabitants, who kept down the small and turbulent faction of the Reds.

The city, at the end of October of last year, had been already girdled in by Prussian batteries, and cut off from the whole civilised world for about six weeks as much as if it had been removed to another planet. About two millions of people had placed their safety and their honour in the hands of General Trochu. They believed implicitly in his word that he would never capitulate. There was, indeed, a little jesting about his plan, which he told the people he had deposited with his notary; but in the main it was believed that this plan was to save France, though the event proved the plan was merely a declaration that the siege was useless, and a final capitulation inevitable. Bazaine, '*le glorieux Bazaine*,' as he was then called, was known to be still at Metz; and day by day it was hoped that he would break through the iron circle and march to the relief of Paris.

Expectation was wrought up to the highest pitch, when on the 28th of October, there appeared in the *Combat*, the journal of Félix Pyat, these words in large letters, '*Tra-hison du Maréchal Bazaine*,' with an announcement bordered with black lines, informing the public that Metz had surrendered. The public were struck aghast and dumb with the intelligence. There was a general rush to the Ministers. *The Ministers declared they had no news of Bazaine.* Bazaine had, however, already surrendered; and the secret had been betrayed by Rochefort to Flourens, who made it known to Félix Pyat.

Three days later, on the 31st of October, two placards appeared on the walls of Paris; the one coolly announcing the surrender of Metz, and the other that M. Thiers was then engaged at Versailles in attempting to conclude an armistice. The whole city went wild with rage and excitement; the Government were again beset to know if the intelligence was true. This time, in fact, there was no use in denying the surrender, since the city gates were open in order to be able to communicate with M. Thiers, and all the inhabitants must have known of it in a day or two. Jules Ferry, the *maire* of Paris, in the place of Jules Favre, endeavoured to appease the people, who were furious at the conduct of the Ministers, and now cried for the Commune.

The cry for the Commune was even then not quite new to Paris; ever since the Revolution of the 4th of September, a small band of fanatics had declared that the establishment of the Commune was the only means of saving France. The chief strength of the Communal party lay among the 'white blouses' of Belleville, who, under their leaders Blanqui, Flourens, and Pyat, had been the terror of Paris under the Empire. Flourens had immense influence over these men, and he was the leading spirit of the insurrection of the 31st of October. Flourens was no vulgar agitator, and no ordinary character; he was a young man of thirty-two years of age; the son of the celebrated physiologist, formerly Secretary of the *Académie des Sciences*, popularly known as the author of the treatise *Sur la Longévité humaine*, and he has written his own account of the siege of Paris and the transactions in which he was engaged in a book entitled *Paris livré*. In private intercourse he was of engaging gentle manners; he was fair in features, and had a seductive smile—but with this quiet demeanour he had a passionate faith in revolution for revolution's sake. His courage was indisputable—but it was of the most reckless kind; and he was prepared at any time, with the aid of a few carts, paving-stones, and bits of furniture, to raise a barricade, and to defend it with half a dozen followers against a whole army. His faith was, that a revolution, somehow or other, was to turn out for the benefit of the people, for whose amelioration he had a vague but genuine enthusiasm. His great ambition was to be, in revolutionary phrase, a man of action. His principle was that perpetual action of some kind, whether supported or not, was sure in the end of revolutionary success—a proposition which would be probably true if all the world was composed of men as reckless and as chimerical as himself. He was a man of con-

siderable scientific and other acquirements; after having gone through a brilliant university career, and taken his degree in science, he filled for a short time the professorial chair of his father, and lectured at the Collège de France, under the Empire, but was obliged by the Government to resign on account of the revolutionary doctrines which he contrived to introduce into the lessons of science. Burning with fiery indignation at what he termed the shameful oppression of the Empire, he leagued himself with all the revolutionary spirits he could fall in with, became the friend of Rochefort, and later one of the contributors to the *Marseillais*. Obligated to fly from France, he threw himself heart and soul into the Cretan insurrection, and for a year fought with the Cretans in countless skirmishes in the mountains, living upon wild roots and boiled herbs, and his courage and example made such an impression on the Greeks that he was elected one of the deputies to the Athenian Chamber. After the suppression of the Cretan insurrection he took advantage of the amnesty to return to France; he played a part in the demonstration at the funeral of Victor Noir, and, contrary to the advice of Rochefort and Delescluze, was for marching unarmed upon Paris. His faith led him to believe that the army, being sons of the people, would join the revolution if the revolution would but display sufficient courage.

After a series of revolutionary plots and adventures in London, and anew in Greece, he arrived at Paris on the 8th of September, rushed at once to the Hôtel de Ville to find Rochefort, and explain to him his plan for saving France and the whole world besides. He embraced, to use a French phrase, the whole situation; some of his proposals were rational enough, though the whole formed an extravagant scheme. We confine ourselves to his notions of the foreign policy which the Government of the 4th of September should adopt:—

‘Abroad—to appeal immediately to the revolution; barricades at Berlin and Vienna; Spain, torn from the tyranny of Prim and *launched boldly in republican paths*; Garibaldi, aided with 20,000 men, guns, and money, should proclaim at Rome the Italian Republic; agents should be despatched to London to announce to an enslaved nation of workmen *the new principles*—the solidarity of peoples, and equality between all—and to cast to the ground the worm-eaten edifice of Norman feudalism. Since the Holy Alliance marched upon Paris to crush there the home of universal revolution, Paris must, by dint of daring, make the Holy Alliance recoil, and oblige it by a powerful diversion to return back and guard its own institutions.’

Rochefort, however, put aside this programme of Flourens; he took a gloomy view of the situation, but he still had confidence in Trochu, whom he declared to be the best of the French generals. Trochu, says Flourens, had practised upon Rochefort his Jesuitical tactics, and reduced him by flattery to a complete nullity. It appears, however, from the general's letter, read on Rochefort's trial, that these two persons had scarcely ever met.

Flourens, however, with Delescluze, Félix Pyat, and others, refused from the first to believe in Trochu and his plan. Trochu knew that Flourens was a dangerous enemy; nevertheless, since the latter, by virtue of that strange fascination which he always possessed over the people, had been elected Commandant of the 63rd Battalion of Belleville—in which 10,000 citizens came and enrolled themselves as soon as it was known Flourens was in command, and so gave his battalion the strength of a division—it was necessary to propitiate him and his followers in some way; the Governor of Paris then, unwilling to make him a colonel, created for him the title of 'Major of the Ramparts,' and recognised his election as chief of his battalion.

On the 5th of October Flourens gave signs of action by leading his ten thousand men to the Hôtel de Ville, to ask for chassepots, which they averred were lying idle in the Government stores; and on their being refused, Flourens gave in his resignation. He says that at that time he and his ten thousand men held the Government at their mercy, but that he felt that the dismissal of Trochu and his Council would be of no use. Paris was still infatuated about the General. Nevertheless, Flourens from this time only waited for a good opportunity to upset the Government.

The news of the fall of Metz, and of the negotiations of M. Thiers for the armistice seemed to Flourens the ripe moment for advancing on the Hôtel de Ville and raising the cry of the Commune, which had been agreed upon by the adversaries of the Government.

Flourens, however, monopolises too much of the initiative of this seditious movement. Delescluze, Félix Pyat, Blanqui, Ledru Rollin, and their colleagues belonged to an earlier revolutionary generation, that of the Revolution of 1848, and formed a distinct set from the younger revolutionists, such as Flourens, Rochefort, Millière, Lullier, Vermorel, Arthur Arnold, and others. The latter, indeed, regarded with some disdain mixed with jealousy their predecessors in the ways of disorder, as having too old-fashioned revolutionary views and

not being up to the time; while they accused them of giving themselves too great airs on the ground of their previous martyrdom of twenty years of exile. Between Félix Pyat and Vermorel especially there was a good deal of animosity; a sharp journalistic war was carried on between them, even at the time that they were both members of the Government of the Commune. Both however, the older and younger revolutionary party, were divided into '*cliques*;' and the party of the International, which was of the young generation, kept itself distinct from either, though it was intriguing in the dark, and, as we shall see, ended by getting the mastery over both.

Delescluze was born at Dreux, in 1811. He was a student of law at the University of Paris at the time of the Revolution of 1830. He began his revolutionary career by becoming a member of political societies formed for the purpose of upsetting the government of Louis-Philippe. He was arrested in 1834 for complicity with the insurrection of 1834, known as the *Journées d'Avril*, and from that time his life is a series of convictions, fines, imprisonments, and transportations for political offences. He had had experience of pretty nearly all the prisons of France and its colonies. At length an amnesty was published, in which he was included, and he returned to Paris from Cayenne, and in 1868 started a new paper, the *Réveil*. His revolutionary articles soon got him again into trouble; in one year he suffered three convictions. The amnesty of the 15th of August, 1869, set him once more free to become in the present year the most implacable spirit of the Commune. The Revolution with Delescluze also was a kind of religion. Apart from this, we believe his private character was estimable; even his adversaries spoke of him with a kind of respect, for he had a certain amount of talent and undeniable strength of will. He was a grim, austere, ascetic man, who sacrificed everything in life to the pursuit of the political ideal which he had framed out of revolutionary traditions. Proudhon, who saw through their hollowness, told him in early life coarsely that he belonged to the race of the *blagueurs*, and though the accusation is not perhaps true, he did more harm than if it were. It is some proof of the respect paid to his character, that M. Thiers (who thought he could buy everybody) despatched a special ambassador into Paris to detach him from the Commune; but the fanatic remained obstinately firm to his revolutionary mission; and when he could see no further glimpse of hope, and could delude himself no more with expectation of a rising in the provinces—when the troops of Versailles were already in possession of

Paris, he went with his stick in his hand and his broad-brimmed hat on his head, and took his stand on a barricade, where he was shot, dying before the worst atrocities of the Commune were perpetrated, though he prepared the way for their commission.

His comrade, Félix Pyat, has more claim than Delescluze to be classed under Proudhon's category. Pyat has been accused, and with reason, and Vermorel omitted not to taunt him with the fact (while he was a member of the Committee of Public Safety), of having passed his life in stirring up revolutionary fires, and then skulking off to leave his friends to bear the danger and consequences of the conflagration. He was born at Vierzon, in the department of the Cher, the son of a lawyer of strong legitimist principles. He distinguished himself in his university career; but began his revolutionary antics at the age of nineteen, when he drank at a public banquet a toast to the Convention, and replaced a bust of Charles X. in the room by that of Lafayette. He was admitted an *avocat* in 1831; but soon quitted the bar, and became a *dramaturge* and a writer in journals. Some of the theatrical productions of his early life had an immense popularity—especially the *Deux Serruriers* and the *Chiffonnier de Paris*; but even his theatrical pieces were chiefly remarkable for their artificial diction, search after extravagant effects, and political and social allusions. After the Revolution of 1848 he was elected deputy of the Cher, and became remarkable for some violent speeches in the Assembly, and for one especially on the 'right of labour.' Although not an accomplice in the insurrection of June, he signed with Ledru Rollin a proclamation, calling upon the people to make another appeal to arms, in July 1849, and then fled from France to avoid the consequences of prosecution. He inhabited Switzerland, Belgium, England, by turns. He signed the famous Jersey letter of remonstrance to the Queen, on the occasion of her visit to the Emperor Napoleon; and was tried by a jury in England, in 1858, as an accomplice in Bernard's plot against the Emperor's life, but acquitted. After the amnesty of 1869 he returned to France, and wrote in the *Rappel* articles for which he was condemned, in January 1870, to seventeen months' imprisonment; but he escaped again to England, where he took an active part in another conspiracy of Flourens for taking away the life of Napoleon III.; and while the young men whom he had seduced into joining his plot were being tried at Bourges, Félix Pyat was safe in this country. He returned to Paris, however, before its investment, and started the *Combat*, a paper whose title was ultimately changed to that of the *Vengeur*, in

which he carried on incessant war against the Government of Defence, and plotted its overthrow. He was elected a member of the Commune, and appointed, maliciously, one of the Committee of Public Safety—in order, for once, that he might be in the front of danger. It was not long, however, before he wanted to resign; but a body of citizen men and citizen ladies having informed him in two addresses that they considered it his duty to remain, Pyat affected to comply. He slunk away, however, as soon as the Versailles troops entered Paris, and has, with his old luck, apparently escaped; there have been numerous reports that he had been captured, now in the guise of a *Chiffonnier*, and now in that of a charcoal-burner, in one of the canal boats on the Canal Saint Martin. But he is probably in his old haunts in Leicester Square.

Such were the two chief professors of revolution, who were each in turn plotting against the Government of the 4th of September since the commencement of the siege. It must be remembered that the Government of Defence had, before the investment, already fixed the municipal elections of the capital for the 28th of September, and the general elections of France for the 2nd of October; but the completion of the investment prevented this plan from being carried out, and Jules Favre went to have his interview with Count Bismarck at Ferrières.

The news that the Minister of Foreign Affairs, after having uttered the well-known phrase, ‘not a stone of our fortresses, not an inch of our territory,’ had gone to make offers of concession to the Prussian Chancellor, threw the excitable people of Paris into frenzy. The clubs, whose extravagant and wild discussions during the siege present a curious subject for the study of French character, seized upon the opportunity to let loose their most rabid rhetoric; and Delescluze, in the *Réveil*, put forth his programme, which contains a good deal in common with the programme of the Commune. It is to be noted that in this first draft of the Commune proposed by Delescluze the provincial elections were to be postponed, which is a proof that the federal system was a later invention; and that the first notion of the party was to get possession of Paris, to keep it by means of the war, and to carry on the old system of dictating to the provinces from Paris.

Just as the negotiations of Jules Favre with Count Bismarck, at the end of September, occasioned the first serious call for the Commune, so the negotiations of M. Thiers, at Versailles, at the end of the following month, and the surrender of Metz, were the cause of the still more serious mani-

festation for the Commune on the 31st of October. It was Ledru Rollin this time, in a public meeting on the 28th October, who started anew the cry of the Commune:—‘I call to mind,’ he said, ‘that it was the great Commune who saved from the invader the sacred soil of our country. Lyons has also established it. Will you remain behind Lyons—you, Parisians, who have always marched at the head of the Revolution? Will you not do as Lyons has done? You will—you will! You are decided to use your right—to give yourselves the Commune. You will name the Commune of Paris.’ This speech of Ledru Rollin excited immense enthusiasm in the audience. The cry, *La Commune! La Commune!* was taken up by all Paris; Félix Pyat in the *Combat*; Delescluze in the *Réveil*; Blanqui in the *Patrie en danger*; the sons of Victor Hugo, Vacquerie, and Paul Meuriec in the *Rappel*; Ulbaeh and his friends in the *Cloche*, harped upon it without end. While the men of action, Flourens, Lullier, Sapia, and Megy, incessantly repeated to the battalions of Belleville, ‘Let us sweep away the traitors, and establish the Commune.’

At length the *maires* of Paris, aware of the hostile feeling that was rising in their several quarters, formed a deputation and advised the Government to grant the municipal elections. A numerous crowd had collected in front of the Hôtel de Ville, with cries of ‘No armistice!’ ‘*Vive la République!*’ ‘Resistance to the death!’ Jules Favre, according to Flourens—Étienne Arago, according to another account—declared in the name of the Government that the Commune should be established. A multitude of little papers were thrown out of the windows, on which was written, ‘Immediate election of the Commune of Paris, under direction of Dorian and Schoelcher.’ Rochefort came to the windows, and assured the crowd of the truth of the news; and then took a piece of paper and wrote out his resignation. In fact, he was convinced now that the Government already had capitulation in view. During all the morning the affair did not go further than a manifestation; in the afternoon it was changed into an *émeute*, and this by the arrival of Flourens on the scene with four hundred of his most devoted adherents of the battalion of Belleville. The chief gates of the Hôtel de Ville were opened, according to Flourens, by a boy getting through one of the windows and undrawing the inner bolt, after which a mob of five or six thousand National Guards entered the Hôtel de Ville, and the Government were prisoners. The Hôtel de Ville was, as is well known, soon recaptured by Trochu’s party by a stratagem and without bloodshed. But even after the rescue, Flourens managed to

make terms for the withdrawal of his men, and a convention with Dorian and Jules Favre for the election of the Commune on the morrow. Dorian, whose name figured on all the lists, was the minister of public works of the Government of the 4th of September, and was extremely popular during the first siege, though we have heard nothing of him since its close.

General Trochu, with his Government, now threw himself upon Paris for a *plébiscite*; and the result was an overwhelming vote of confidence in his favour, the majority being about 340,000, and the minority 54,000. After this defeat, the Communal party made no fresh attempt to overturn the Government by action until the 22nd of January. The Government, on the strength of their vote of confidence, arrested a considerable number of the conspirators of the 31st of October. Flourens managed to escape arrest for the time, but was subsequently imprisoned in Mazas, from whence he was released by the insurrectionists on the 22nd of January. Milliére and Blanqui managed to avoid arrest altogether. At the same time the Government, in order to make some concession to the cry for municipal government, decreed that each *arrondissement* should elect its *maire*; the *maire* of all Paris, however, was named by the Government. The most democratic quarters of Paris revenged themselves for their defeat in the *plébiscite* by electing the greater part of those concerned in the *émeute* of the 31st of October.

The history of the Commune cannot be understood without realising the frightful ordeal through which the whole population passed from the 31st of October to the end of January—during three long months. Never in the history of the world were two millions of people subjected to such prolonged sufferings; and, to add to their miseries, the winter of 1870–71 was one of exceptional intensity. A three months' famine for this immense population was in itself a sufficient calamity, but the intensity of frost and the lack of fuel aggravated the agonies of the unhappy city to an incredible degree.

Into these melancholy details of the siege and its incidents we have no space to enter; we must content ourselves with stating that by the middle of January the Government of National Defence was utterly discredited with all parties. All the generous illusions entertained by the Parisians, in spite of the intense agonies of four long months, had vanished. All classes of the population felt that they had been played with and deceived, subjected to frightful suffering, and to a death-rate of three or four thousand a week beyond the average mortality, for a siege which was a mere comedy; and on all sides

the Government was censured and derided for its incapacity and inaction.

Then took place the *émeute* of the 22nd of January. Accounts differ as to who fired the first shot in this affair, in which lives were lost. Flourens declares that the Bretons without provocation fired from the windows of the Hôtel de Ville on an unarmed crowd,* after which some National Guards seized their muskets and replied. A good many were killed and wounded on the side of the people, who attempted to raise a barricade, which was taken in the rear by Vinoy, who dispersed the assemblage. In consequence of this *émeute*, Félix Pyat, Flourens, and Blanqui were condemned by court-martial to death by default; the *Combat* and the *Réveil* were suppressed, and Delescluze was imprisoned at Vincennes. This skirmish was too insignificant to excite much attention in the then desperate condition of Paris. Nothing but news of disaster arrived from the provinces. Chanzy had suffered a complete defeat; Faidherbe too was routed, and Bourbaki was on the point of being surrounded. Five days after this *émeute*, Paris was apprised by the *Journal Officiel* that negotiations were being entered into for a capitulation; on the morrow, the 28th, the people were informed of the terms of the capitulation.

The prostration of energy and spirit which ensued among the Parisians immediately after the surrender was terrible; there was a general weariness of everything, of disgust at all news from without, and of life itself. It was, says Sarcey, something like resignation to death after a long and painful illness. An immense crowd rushed to the *préfecture* of police to get passports, to leave the scene of such misery and fruitless agony; 25,000 were asked for on the first day. On the 8th of January the new National Assembly was elected, and 750 deputies were sent by the country to assemble at Bordeaux and to ratify the peace.

It was hardly possible that an Assembly could be elected under more unfortunate conditions, so far as respects the Government of France. At the very time at which the elections were made, Paris was still almost as separated from the provinces as during the siege. The Prussians allowed no letters to pass but those that were unsealed, and the difficulty of communication was still great. After four months' separation, it was an additional misfortune that Paris and the provinces should not

* Whether this was true or not, the partisans of the Commune always declared this to be the case, and it was the plea upon which Chaudey, as we shall see, was arrested and executed.

have means of coming to an understanding. In their common disaster, the provinces were angry with Paris, and Paris was angry with the provinces. The consequence was that the votes of Paris and the votes of the great cities as sympathising with Paris were votes of counter-protestation. One point there was indeed common to the votes of both—both made their votes at the same time a protest against the Empire. Moreover, the general reasoning in the provinces was that since the Republic had been unable to save France, therefore it was a bad form of government. The provinces thus sought for its candidates among men who were anti-republican and anti-imperialist, and their choice was necessarily limited to those who were untainted with Napoleonism, and who had not even sat on the benches of the Bonapartist opposition in the *Corps Législatif*. Such men could only be found among the royalist party, and these would be old in years and perfectly untried in affairs. Paris, on the other hand, and the great towns, voted for a list of extreme Republicans. All France, it may be said, was surprised at the composition of the Right of the Assembly. Flourens's character of them is instructive, as showing in what light the new deputies of the Right were regarded at the very outset by the Republicans.

‘The result was that we had a chamber, the counterpart of that of the Restoration; a chamber of ghosts, of people who were thought to be dead long ago, and who appeared to be quite untouched, to be still alive. Marquises and abbés, who had without doubt sat in the States-General of 1789 on the benches of the nobility and clergy; a collection of bald heads, deaf ears, and eyes which blinked at any ray of sunlight. This Assembly ought to have had a gravedigger for doorkeeper. For such owls the cry of “*Vive la République!*” was an intolerable outrage.’

This resuscitated party acquired the name of the ‘*Rurals*.’ The Assembly, by a vote of 546 votes against 107, ratified the preliminaries of peace on the 1st of March.

Next to the cession of Alsace and Lorraine, the points of the negotiations which most excited the Parisians were the entry of the Prussians into Paris and the surrender of the city. In the Place Wagram, situated in the quarter of Paris which it was agreed the Prussians should occupy, there remained a large park of fine bronze cannon, which were the product of a patriotic subscription of the National Guard; other parks existed at the *Barrière d'Italie* and at the *Fort Montrouge*, and no effort was made to bring them in; they had been in fact entirely overlooked by the Government; and if the Prussians had entered and found them where they were, they would as as-

surely have taken possession of them as they did of the ammunition and stores of Mont Valérien, which also had been disregarded. Various battalions of the National Guard, finding the cannon thus overlooked, undertook to bring them into the interior of the city, and put them out of the reach of the Prussians.

But the negligence of the Government authorities in the matter of the cannon was but a small part of the unfortunate combination of circumstances which left Paris to its own disorder. During the time that they were besieged by the Prussians, the Parisian population had disappointed the cynical hopes of Bismarck; but no sooner was the terrible girdle of steel and fire withdrawn from around them, than they began at once to realise the previsions of the Chancellor. Some such state of things might, indeed, have been expected by anyone with the faintest knowledge of human nature. Up to the time of the conclusion of the siege nearly the whole of that immense population had been animated by an heroic sense of duty and patriotism, which had enabled them to support the horrors of their situation; and, moreover, they had a Government in the midst of them, professedly Republican, around which they could rally. But with the capitulation patriotic enthusiasm was turned at once into disgust and nausea; even the best portion of the Parisians regarded their position with loathing and abhorrence; a large number at once left the city; among such as remained, the best disposed of the inhabitants continued sunk in absolute lethargy till they were aroused to take some interest in affairs by the new set of dangers which were springing up around them; and, to make things worse, the city was, since the gathering together of the Assembly of Bordeaux, left without any Government at all.

Indeed the continuance of the Assembly at Bordeaux for one hour longer than was absolutely necessary was a national misfortune; for misconceptions could not fail to arise on both sides when the distance which divided them was so great. One such misconception, which had a most prejudicial effect on the deliberations of the Assembly, was produced by a false report which was spread at Bordeaux on the 4th and 5th of March, of an insurrection in Paris which was said to have placed the greater part of the capital in the hands of the revolted National Guards. This was absolutely believed at Bordeaux for two days, and increased the repugnance with which the greater part of the Right regarded the translation of the seat of the Assembly to Paris. Indeed, it was only by his very remark-

able speech on the 10th of March, which was a veritable *tour de force*, that M. Thiers could induce the Assembly to consent to remove from Bordeaux to Versailles. The Committee which had been appointed to report on the most desirable place for the seat of the Assembly had declared for Fontainebleau. M. Thiers, it was well known, was desirous of removal to Paris itself, but he knew that it was useless to propose such a scheme to the Assembly.

The conduct, indeed, of the majority of the Assembly was uniformly of a character to produce in Paris extreme political irritation. A number of Parisian deputies declared that they found it impossible to sit in such a Chamber. The very allusion to the fact that France was at that time living under a Republican form of Government, threw the whole Right into convulsions; and it was not only the democratic press of Paris, but the whole body of Journalism, which cried aloud at their conduct as foolish, wild, and impolitic. Moreover, by the laws which they had hurried through the Chambers without due consideration respecting the rent-question in Paris, and the payment of overdue commercial bills, and which manifestly did not meet the exigencies of the situation, and which, indeed, they had to remake, they had discontented the whole commercial world of the capital.

As for the capital itself, it was rescued from the state of lethargic abandonment into which it fell after the capitulation, by the entry of the Prussians on the 1st of March, and from that time up to the outbreak of the actual Revolution on the 18th, it remained simmering in a state of chaotic anarchy; to put an end to which the Government took no important steps whatever. Yet, in its outward appearance, in the early days of March, the city bore no sign of the wild spirit which was at work within. Although there was not a shadow of a policeman to be seen anywhere, the streets were crowded with people, and ladies and children walked everywhere unmolested, and there was no report of violence or crime. The shops were beginning to re-open with confidence; though in every street closed shutters in abundance announced a tale of ruin by the siege. There was a good deal of idleness in the streets in the absence of work, and quantities of processions were made to the Column of July in the Place de la Bastille. The column itself was covered with *immortelles* from the base to the summit; and a hardy sailor climbed up the figure of Liberty on the summit, and hung flags about every limb. This homage paid to the victims of the Revolution of 1830 was intended as a counter-protestation to the supposed machina-

tions of the Bordeaux Assembly. The city, indeed, remained still crowded with disarmed soldiers of the Loire and Mobiles, who ought to have been sent to their homes immediately after the armistice, but who, having nothing to do, mixed with the National Guards, and complained everywhere that they were starved by the Government. Meanwhile, the cannon to the number of about two hundred remained on the summit of the *butte* of Montmartre—guarded generally by a very few sentinels—who were increased from time to time, while an attempt was made to dig around them some kind of entrenchment. The Government of Bordeaux at last appointed General Aurelles de Paladine Chief of the National Guard, and General Valentin *préfet de police*. The appointment of General Valentin, who had formerly been colonel in the *gendarmerie* under the Empire, excited immense discontent. The Government of Bordeaux had already been accused of having studiously sought out for royalists and imperialists in its distribution of offices, in order to have ready instruments for a *coup d'état*; and the choice of General Valentin was considered a fresh proof of the designs of the executive to upset the Republic. The appointment of Aurelles de Paladine, too, was not received with favour, for he was thought to be an Orleanist; his very rigid Catholicism made him an object of suspicion,* and it was said that his purpose was to disarm the National Guard. While the democrats were fuming and fretting at this new proof of the designs of the Government, General Vinoy, styled the *Décembriseur*, from his having been engaged in the *coup d'état*, who still remained Military Governor of Paris, by virtue of the state of siege, suppressed at once six papers, among which were Rochefort's journal the *Mot d'Ordre*, and the *Père Duchesne*, and the *Cri du Peuple*.

Some days, however, before the 10th, orders had been given to dismiss to their homes the disarmed soldiers and Mobiles who remained in the city. These began to depart, and their place was supplied by fresh regiments of the army of the Loire. The Central Committee of the National Guard, on the arrival of these troops, suspected at once they were sent for purposes of repression, and on the 10th, the very day on which M. Thiers was making a great speech to the Assembly—proposing the removal to Versailles—a seditious placard was published inciting the soldiers not to fire upon their fellow-citizens if so ordered.

* He was accused of having passed six hours on his knees in the Cathedral of Orleans, doing penance.

Revolutionary placards, professing to emanate from committees of the National Guard, and printed on red paper, had been posted on the walls continually, ever since the suppression of the *émeute* of the 31st of October. The history of the origin of these committees is necessarily somewhat obscure since they had been forming in the dark; however, we believe their growth can now be very fairly traced, as well as their connexion with the International Working Men's Association — *L'Association internationale des Travailleurs*.

The powerful organisation of the International, and the part it has played in the insurrection of the Commune, is the most striking feature of the times in which we live; and there never has existed, perhaps, since the origin of civilisation, a society as to whose character and working it is so important to come to a just understanding. Its influence is now enormous in every civilised country; already it counts millions of members scattered all over the world. The power of the Jesuits was symbolised by a dagger whose point was everywhere and whose handle was at Rome; but we doubt if the power of the Jesuits was so formidable as that of this Society, which has been in existence now barely seven years. We have been assured by a high authority that its numbers in Great Britain amount to 350,000, and on the Continent they are reckoned by millions.

The General Council of this Society sits in London, and, if we are correctly informed, its chairman has not unfrequently been Mr. Odger. The last general meetings of the Society are said to have been held within the last few weeks, with great secrecy, at some of the low public houses in the north of London, where the fate not only of empires, but of society itself, is discussed and decided. Various secretaries are attached to the General Council for carrying on correspondence with the foreign sections; among them are Karl Marx, secretary for Germany, Herman Jung for Switzerland, and Eugène Dupont for France.

We have two letters of Eugène Dupont, written immediately after the Revolution of September 4th; which leave no doubt as to the light in which that Revolution was regarded by the Association. One of these is as follows:—

‘London, 7th September, 1870.

‘The doleful fall of the imperial Soulouque gives us for masters the Favres and the Gambettas. Nothing is changed; power is still in the hands of the middle class. In these circumstances, the part or rather the duty of workmen is to let this middle-class vermin (*vermine bourgeoise*) make peace with the Prussians (since the disgrace of this act will cling to them for ever); not to strengthen their power by useless

émeutes, but to turn to profit the liberty which circumstances will bring us, by organising all the forces of the working classes. The middle classes, who are at this moment infatuated with their triumph, will not perceive at first the progress of our organisation, and the working men will be ready for the day of the *real war*.

'The task of our Association is to urge onward and spread everywhere this organisation. Redouble then your energy. You must increase your devotion a hundredfold; group around you under the flag of our dear Association all the men of action and conviction, and the end we aim at will be speedily obtained.

'*The Council General has written to all its correspondents* in order that all efforts may be concentrated to act uniformly in this cause *at the decisive and opportune moment*.

'To work, then, without stop till the *Social Revolution* is reached. In this moment of effervescence and popular commotion, the Revolution—the real one, can step out with giant stride with the aid of all the correspondents of our Association.

'Down with the middle classes!

'Long live the International!

'Fraternal greeting to all.

'EUGÈNE DUPONT.'

This letter was addressed to Albert Richard, the corresponding member for the section of Lyons, who played a great part in the insurrectionary movements of that city in last year. At the same time it must be added that the Members of the International at Paris signed, almost unanimously, a powerful protest against the declaration of war with Prussia, on the 15th of July; and this protest, with a mass of signatures, was published in the *Réveil*. Indeed, the attitude of the Society has ever been consistently neutral and discouraging towards all political agitation, and all attempts at revolution not calculated in the opinion of the Society to advance their own aims—the supremacy of the class of working men in society. It is perfectly immaterial to the chiefs of the International whether Bonaparte, Henry V., an Orleans Prince, or a Republican of the Ledru Rollin or Jules Favre stamp be the chief of the government; they regard equally all as their enemies; and a Republic which is not socialist is regarded with precisely the same contempt as a Monarchy of any form.

In proof of this we cite the following declaration of the *Internationale* Newspaper, one of the accredited organs of the party:—

'Many revolutionists have regretted that the Parisians have made no revolution after the funeral of Victor Noir. We do not regret it. In fact, what would such a revolution have been? A revolution purely and simply against the Empire, a revolution which would of a

certainly have placed in power Ledru Rollin and his friends, and probably also Bancel, Gambetta, and the like. Let us admit that Raspail and Rochefort would have made part of it—what would they have done for the working men?

‘Raspail and Rochefort, however sincere they may be, *do not know the first word of the revolution to which we are marching*. They have not even a socialist programme. They would be socialists, but they cannot, because, like all *middle-class democrats*, they start from a point of view absolutely false—that of individual liberty.’ (*L'Internationale*, 13th February, 1870.)

A large number of passages might be quoted to show that this Society discourages all revolutions but those which it aims at making itself, and styles the Social Revolution. We must confine our proofs in support of this to the following passages taken from their organs:—

‘The rights of the working men—that is our principle; the organisation of working-men—that is our measure of action; the Social Revolution—that is our end.’ (*L'Internationale*, 27th March, 1870.)

‘The International Association of working men know but one kind of politics—that of spreading its doctrines, and increasing its members and its organisation.’ (*L'Égalité*, 3rd April, 1869.)

‘The International is the hour of awakening; it is the power and approaching triumph of the working men on the ruins of capital monopolised in the hands of the middle classes; it is the constrained moralisation of these last by labour, and the just distribution of its profits.’ (*L'Égalité*, 23rd January, 1869.)

‘The people are called now neither slave nor serf; they are proclaimed free by law, but in fact their slavery and their misery are still the same. And these will remain the same as long as the popular masses continue to serve as instruments to the politics of the middle classes, whether these politics are called conservative, liberal, progressive, or radical, or even though they should have the appearance of being the most revolutionary in the world. For all middle-class politics, whatever be its colour and its name, can have but one aim—the safe maintenance of middle-class domination, and middle-class domination is the slavery of the working classes.

‘What then were the duties of the International? . . . The duty of the International was to begin by clearing the ground; and since all politics from the point of view of the emancipation of labour were composed of reactionary elements, it was obliged to reject from its bosom all known political systems, in order to found on the ruins of the middle-class world the true politics of the working class—the politics of the International Association.’ (*L'Internationale*, 5th September, 1869.)

Eugène Dupont, the London secretary for France, declared at the Congress of Brussels, in 1869, ‘that the revolutions of 1830 and 1848 were but revolutions of form and not of base;

‘that the foundations of society must be changed ; and that the ‘real field of the revolution was the social question.’

The first idea of this Society appears to have been thrown out during the course of the visit which a deputation of Parisian workmen paid to the Universal Exhibition of London, in 1862. They had been sent over at the expense of their comrades to study the general condition of European industry, became acquainted with English workmen, got initiated into the nature of Trades’ Unions, and discussed the subject of strikes. The notion naturally occurred to them that if the principle of co-operation in strikes was a good thing for the workmen when applied to one country, it would be far more effective when applied on a grander scale throughout Europe. The basis of an International Association was then thrown out, whose members should engage themselves to support each other in all countries, whenever strikes should be deemed necessary in the interests of the working classes ; and it was agreed that a great European meeting of delegates of working men should be held in London, in 1864. The meeting took place on September 28th, 1864, in St. Martin’s Hall ; but the original project had grown considerably in the interim, and assumed a much more revolutionary form than was at first designed. Various representatives of the Continental nations were present. They elected a Committee, who were charged to draw up the statutes of the Association ; and it was decided that a general congress of the working classes should be held in 1866, and that up to that period the Committee should act as Central Provisional Council of the Association, and should sit in London. Of this Committee Mr. Odger was elected President, and they drew up the statutes in accordance with the vote, prefacing them with a declaration of principles.

This declaration affirmed that the emancipation of the working men must be effected by the working men themselves. That the economic subjection of the working man to the possessors of capital was the cause of his political, moral, and material servitude. That every political movement should therefore be subordinated to his economical emancipation. That all efforts to arrive at this had hitherto failed through want of a common interest between the working men of every profession in every country. That the emancipation of labour was neither a national nor local question, but a social one.

The organisation of the International, as finally settled, consists of—1. A General Council ; 2. Federal Councils ; 3. Sections. This organisation is at once simple and strong. The

Sections represent the type of the Commune; it is a federation of groups, each group being composed of the affiliated members of the same kind of industry. The Federal Council is composed of delegates elected by the various Sections comprised in one federation; and the Federal Council is the intermediate body between the Sections and the General or Central Council. Most large towns have a Federal Council, who, by means of corresponding secretaries, are in communication with the General Council.

Each member of the International pays two small weekly subscriptions; one subscription defrays the expenses of the Federation, the other those of the General Council. It would detain us too long here to set out in detail the system adopted of local and general reports, and other regulations of the Society. It is sufficient to state that the sovereign legislative body of the Association is the Congress, which should be held every year. The General Council is merely the executive. Up to the present time there have been four Congresses. The first met at Geneva on the 5th of September, 1866; the second at Lausanne on the 2nd of September, 1867; the third at Brussels on the 6th of September, 1868; the fourth at Basle on the 6th of September, 1869. Last year, owing to the disturbed state of Europe, there was no Congress, but one has been held in the past month.

Every Congress evinced great progress in the dissemination of the principles of the International. Belgium especially was in force at the later Congresses; and to these Italy and Spain also sent their delegates. At every Congress questions relating to the rights of property were discussed. Communism was repudiated at Lausanne in 1866; but the last Congress, that of Basle, showed itself of all the most revolutionary. The first question that was discussed at Basle was the right of society to abolish property in the soil, and the necessity of such abolition—both which points were carried with only four dissentient voices. The second question treated of the right of inheritance to all property whatsoever. A majority of nine only voted for its abolition, but as this was not sufficient according to the rules of the Society, the Congress pronounced no opinion.

In France, the International had to contend with great difficulties, owing to the repressive laws which existed against secret societies. Nevertheless, at its commencement, the Imperial Government favoured its formation. The Emperor, it is well known, has always been suspected of socialist tendencies. It is even said that he had something to do with

starting the idea of an International Society for working men. The Imperial Government was informed of the meeting in St. Martin's Hall, in 1864, at which the Society was actually founded; and the French delegates, on their return to Paris, sent a copy of the statutes of the Society to the *préfet de police*, and informed him of the existence of an office in Paris, in the Rue des Gravilliers. In consequence of this step, M. Rouher had several interviews with the delegates, and even advanced them funds on the part of the Government, which by some strange infatuation was always imagining it would get hold of the support of the artisans of Paris, in the same way as it had got possession of that of the peasantry.

Indeed, the first manifestation of the power of the International was made in Paris, in a strike of the workers of artistic bronzes, the best skilled perhaps among the artisans in Europe. This first action of the Society had complete success. This result was an unheard-of precedent for France, where up to this time all combinations of working men for the purposes of trade had been rigorously suppressed, and it gave a powerful impetus to the influence of the Society. The consequence was that strikes succeeded rapidly in France one after the other, and the Imperial Government, which had followed the working of the Society, and were aware of the socialist principles of many of its members, thought the time a fit one for prosecuting the Parisian Committee as members of an illicit association, and so frightening the middle classes with an exposure of the dangers to which they were exposed.

After two prosecutions, however, the Imperial Government relaxed in its rigour, for at the end of the following year Theisz, Varlin, Landrin, Pindy, and others, set about openly reforming the Parisian Committee, and the members of the Society were found to be so increased, that a federation of sections was necessary; and the statutes of this federation were discussed and settled in a general assembly, under the presidency of Varlin, on the 10th of April, 1870. So that the Society had, in fact, ripened to a perilous state of maturity just before the war broke out between France and Germany.

Since the International had completed its organisation in Paris just before the war, and was still in the full glow of propagandism and extension, it is easy to understand how favourable the conditions of the siege were for the further propagation of their doctrines among the National Guard. From the very commencement of the investment, they commenced their operations, and very speedily got the National Guard of the outer zones under their influence, though in the

central parts of the city they made but little way. They managed to get the direction of these sections of the National Guard through the establishment of 'Committees of Vigilance,' whose nominal duty was to be on the watch for spies and traitors, and to discuss the means of saving the capital, but which were worked by the people of the International for the furtherance of the views of the Society. By grouping again these committees into sections and electing from them a new Central Committee, they succeeded in secretly organising the National Guard much after the fashion of their own Association. For it must be observed that the chief titles by which the insurgents styled themselves were clearly taken from the International. They always preferred to speak of themselves as Federals (*fédérés*); Central Committee also, in the letters of Dupont and others of the International, is frequently used as synonymous with the term Federal Council or Committee; and we believe the Internationalists themselves considered the use of the term Commune as a mistake, as not designating at all the kind of revolution they had in view.

But the Society of the International was only one of the elements of disorder in Paris. There were a number of other Republican societies all carrying on their own secret manœuvres. There was the old conspirator Félix Pyat and his party; there was Delescluze and his party; there was the *Alliance républicaine*, with Ledru Rollin for its president; the *Union républicaine*, with president Dupont de Brissac; the *Défenseurs de la République*, with president Bayeux Dumesnil, and the *Comité des Vingt Arrondissements*. Jealousy and dislike prevented these various societies from uniting together; while the true members of the International, as we have seen, looked upon all socialists and republicans who were not absolutely of the class of working men with invincible suspicion. The middle-class revolutionist was good for nothing but to be used as a temporary makeshift, and then to be thrown aside.

Nothing in the course of the day of March 17th appeared to presage the terrible events of the morrow. The weather was cold and lowering, and there seemed to be a kind of lull in the political agitation of the capital, while the newspapers expressed the hope that now M. Thiers had arrived at Versailles, the matter of the cannon of Montmartre might be arranged. In the early dawn, however, of March 18th, the inhabitants of the streets leading towards the *butte* Montmartre were aroused by the sounds of the march of troops, and as they passed by the *rappel* was beat to call out the well-affected portions of the

National Guard. The *rappel*, however was beaten in vain; a few heads might appear here and there at the windows, but they withdrew as soon as they saw the troops going by, leaving the Government to manage the Montmartre difficulty by itself. The appearance of the troops, who were sent on this hazardous mission did not seem to augur well for success. The *gendarmerie à cheval* were a mere handful of men, and the regiment of the line, the 88th, who were charged with the heaviest part of the undertaking, were, for the most part, mere boys of not more than sixteen or seventeen—they had formed part of the army of the Loire, conscripts of M. Gambetta, and had not been under arms more than three or four months.

The National Guards, however, on the *butte* Montmartre were taken by surprise; the artillerymen of the troops mounted the hill, armed with their muskets, and engaged in parley with the officer in command, who made no opposition to the cannon being taken away; but no horses were provided for this purpose; consequently, while horses were being sent for, time was given to beat up the quarters of Montmartre and Belleville, and to bring upon the scene the disaffected National Guards. The battalions of Belleville and Montmartre made a rush upon the cannon, were received with shots by the troops, and some of the National Guards, a woman, and a child fell. After this there were exchanges of words between the National Guards and the soldiers—the ranks broke up; and soldiers and National Guards went off to drink and to fraternise together. The 88th was the first regiment to go over, and the artillerymen followed the example of the line, and abandoned not only the cannon they had taken but their own. The attempt to seize the guns was now wholly frustrated. General Vinoy, who had planned it, was obliged to retire from the Place Blanche, whither he had advanced with some troops, after a useless exchange of fire with the National Guards in which lives were lost. The 88th, going with the insurgents, seduced other troops of the line, and all together made an attack on the *gendarmerie* posted on the Place Pigale; the officer in command of these latter drew his sword, and ordered his men to fire, but he was shot down as well as his horse, and, after a short fusillade, the *gendarmerie* retired leaving some dead and wounded. The horse of the Captain of *gendarmerie* was afterwards cut up in pieces, and served out for food to the crowd, who had become accustomed to horse-flesh during the siege.

The insurgents being now completely masters of the *butte*

of Montmartre, were in a state of wild agitation, and, as is usual in such cases, the revolted soldiers were the most furious of the two; the very fact that they had betrayed their flag and their general—Lecomte, who was taken prisoner at the time the 88th went over—together with the drink they had taken, rendered their excitement still more uncontrollable. General Lecomte was entirely unknown to the 88th, which had only recently been placed under his command; he was especially beloved by the troops who had served under him, and it was an additional blunder on the part of General Vinoy to place such a regiment in such circumstances under the command of a strange officer. General Lecomte was led by the exasperated crowd to the Rue des Rosiers, where he was joined later in the day by General Clément Thomas, who was taken prisoner also, being in plain clothes, and having come imprudently to look after his comrade. The two generals were shot without trial, not (so far as we can learn) by the National Guard, but by infuriated soldiers aided by some Mobiles who had borne a grudge against General Thomas on account of the severity of his discipline during the siege. An *aide-de-camp* of General Leflo, the Minister of War, was also taken prisoner at the same time, and in a letter in the *Soir* declared that he only owed his life to the superhuman exertions of some officers of the National Guard who favoured his escape, and that his belief was that General Lecomte at least perished by the hands of his own soldiers. However this may be, no attempt was made to punish the assassins, although the Central Committee asserted that such was their intention.

The news of the assassination of the two generals was spread about Paris in the evening, and sent a thrill of horror through the metropolis. Yet, to all outward appearance, the boulevards and the interior of the capital wore nearly the same air as usual; circulation was unmolested, and it was only here and there, by the excited air of groups in discussion on the pavement, that a stranger could discern that anything unusual was in preparation. The troops, however, had on all the points in possession of the disaffected portion of the National Guard given way, in the same manner as at the *butte Montmartre*; and General Vinoy had withdrawn such portion of the troops as remained faithful to him to the left bank of the Seine—leaving to the National Guard the care of restoring order on the right bank. On the 18th, in the evening, the insurgents had already taken possession of the Hôtel de Ville, the Ministère de Justice, and the military head-quarters in the

Place Vendôme; and were erecting barricades in all directions. All this was done with great order; passers-by were allowed to cross the barricades everywhere on paying the usual tribute of carrying a stone to the barricade, and the National Guards on duty readily entered into conversation with the bystanders and answered frankly enough that they had taken up arms to defend the Republic, and sometimes gave an invitation to join them,—‘*Prenez un fusile et venez avec nous; au moins nous mourrons républicains.*’

On Sunday, the 19th, the people emerged from their homes in the hope of learning something of the new power which had taken possession of the capital. As yet all was mysterious and inexplicable. No one knew the names even of that occult body, the Central Committee, who were at the bottom of this revolution. They were not much more enlightened on reading the two proclamations which were found posted on the walls. Of all the names thereto signed, two only were in any wise known to the public, those of Assi and Lullier.

We learn, in fact, from disclosures at the recent trials, that Lullier and Assi were the principals in bringing about this movement. Lullier represented nobody but himself, while Assi represented the International. Lullier, however, played the chief part, and, according to his account, if the Government had made an attempt to get back the cannon three or four days earlier there would have been no resistance. Lullier was a naval officer, whose violent conduct had several times rendered him the subject of the sentence of a court-martial. His character presents a strange specimen of the revolutionary type; and his reckless courage, invincible nerve, and vehement power of speech, gave him still greater influence over the populace than was possessed by Flourens. He had upon occasions, as he boasted to the court-martial, stopped a whole mob with his own revolver. He had acquired a dangerous influence over the people before the investment, and the Government, to get rid of him, invented a mission for him to the French fleet in the Baltic. He came back, and went first to Bordeaux, returning to Paris in the beginning of March. The Central Committee had then possession of the cannon, but they were undecided as to whether they would make them a pretext for revolution, till they held a general meeting on the 15th at Vauxhall, a dancing-room in Paris; and knowing the energy of Lullier, and his power of carrying away the masses, sent for him, and asked him if he would take charge of the movement. Lullier says that, being convinced that the Assembly at Bordeaux meant to bring about another *coup d'état* in favour

of monarchy, he consented, and it was he who organised the attack on the Hôtel de Ville, and carried it. Lullier, however, was by no means at unison with the Central Committee, and did not share in the views of the International; he speedily showed that his views of the aims of the Revolution were quite at variance with those of the Committee. So they had him arrested and shut up at Mazas. He consequently was not a member of the Commune at all, and never was a member of the Central Committee for more than a few days; in fact, so insubordinate a nature could not work long with anybody. It is a curious proof of the influence which he possessed, and of his daring, that he managed very shortly to escape from Mazas, and then published the fact in the newspapers, saying that he had three hundred devoted adherents, who were at his beck day and night, that he walked the streets daily with three revolvers in his pockets, and dared the Commune to touch him. Although he consented to take the command of the Seine flotilla for a day or two, he does not appear to have acted in that capacity; and his chief occupation from the time he got possession of the Hôtel de Ville was to get rid of the party he had associated himself with. He was, indeed, at the time of the entry of the troops of Versailles, in secret correspondence with M. Thiers, having engaged of himself to sweep away the Commune—'*balayer la Commune*,' as he termed it.

Assi was previously known as the ringleader of the famous strike at M. Schneider's iron works at Creuzot, and as a leading spirit of the International. Before the 18th of March, M. Ernest Picard, knowing his influence, sent for him to ask for his assistance to get back the cannon. Assi, however, protested he could do nothing. After the Commune was established, his colleagues were jealous of his influence, which, as he is a man of talent, was considerable; irritated at his opposition to some of their schemes, they made use of the pretext that he was in secret correspondence with M. Picard for shutting him up; so that the two men who more than any others brought about the revolution had less than any others to do with its ultimate direction.

The chief point of interest, however, in the evidence of both Lullier and Assi, is the additional proof that the Government interfered too late in the matter of the cannon, and then interfered in an utterly ineffective manner.

Counter-proclamations were published to the address of the Central Committee on the part of the Government, who all withdrew to Versailles on the night of the 10th, determined at

the last moment, it is said, by General Vinoy, who refused to remain longer in Paris, as he would not answer for his troops. The two proclamations of the Central Committee were addressed, one to the people of Paris, and one to the National Guard. That to the people took credit for having shaken off the yoke which shameless madmen had been endeavouring to impose upon the nation; and called upon Paris and France to settle the basis of a Republic,—*une République acclamée avec toutes ses conséquences*. The state of siege was declared to be raised, and the people of Paris were invited to proceed to their communal elections. The address to the National Guard was in much the same terms; but it added that the mission confided to the Committee was at an end, and asked as an only recompense to be able to see the 'true Republic' established by means of the communal elections.

Paris was thus left utterly to itself—to treat with, or to shake off, the yoke of this new and unlooked-for usurpation as she best could. The National Guard of the quarters of the Bourse, the Louvre, and the best affected districts of the city, after they had recovered from their surprise, began to organise themselves for resistance. It was clear from the votes which were given in favour of the Government of the Defence during the siege, that the out-and-out supporters of the insurgent chiefs could not be more than fifty thousand in number; and those who might be expected to rally to the side of the more respectable portion of the National Guard might be reckoned as three hundred thousand. The manner in which the authorities threw away this chance of getting the mastery of the insurrection is utterly incomprehensible.

The days which intervened between the 18th of March and the 26th, the day of the Communal elections, were the most critical in all the history of the Commune. All the National Guard of the better districts, having entered and recovered their *mairies*, and several of the important posts of their own *arrondissements*, kept their ground, and showed a firm front of resistance. In fact, nearly all the heart of Paris, almost up to the Hôtel de Ville, was in their power up to the very moment of the elections; but they were absolutely cajoled and tricked out of the advantages they had obtained by the absurd conduct of the leader whom M. Thiers sent them, by the utter want of decision of the Government, and by the foolish concessions of their own *maires* and deputies. As for the Government, all the action of which it then seemed capable was to run away.

The report of lieutenant-colonel Beaufort gives incontestible proof of this fact. The 'party of order' was forming fast in

the city, and was animated with an excellent spirit. It is expressly stated that 'in less than three days 110,000 citizens, ' and the brave young men of the Schools of Law and Medicine, have rallied to the flag of 'the Government elected by ' universal suffrage.' The *Journal des Débats*, and other papers, were encouraging the movement which in several quarters had already removed the barricades. While the party of order was thus organising itself, what was being done at Versailles?

On the 20th the Assembly met there for the first time; but the disposition of the majority, faithful to the hatred which they seemed to have vowed to the capital, was still deplorable, and both they and the members of the Government concurred in comprising both the insurrectionary junta of the Hôtel de Ville, and the battalions of Belleville, and the inhabitants of the well-disposed quarters in one common condemnation. On the 20th, M. Clémenceau, deputy of Paris and *maire* of Montmartre, proposed a law for the election of a municipal council for the city. This proposition was received without demonstration. But when he asked for its immediate consideration—*l'urgence*—the Right burst out into furious protestation, amid which M. Clémenceau cried, 'Since you force me thus, I must ' be explicit. For two days Paris has been in complete anarchy. ' Two days ago the Government deserted the post which duty ' assigned to it.' M. Thiers protested violently. M. Clémenceau went on:—'Paris is in the hands of rioters. Paris must ' have some authority. What authority can she find now you ' are gone?' This declaration was the signal for one of those violent scenes which have too often discredited the French Assembly, but in the end M. Clémenceau's proposition was accepted.

The only action taken by the Government after the sitting on the 20th, was to send Vice-Admiral Saisset to Paris to replace Aurelles de Paladine as provisional commander-in-chief of the National Guard. This was certainly a concession on the part of the Government; but the choice of Admiral Saisset was very unfortunate. The conduct of the Admiral at Paris was of a most inexplicable and aimless character. On the 21st there was a sterile and stormy scene at Versailles. The leading members of the Left, and especially the deputies who were *maires* of Paris, adjured the Government and the Assembly to do something—either to fix a date for the municipal elections, or to give the National Guard some authority round which they could rally. M. Léon Say, the present *préfet* of the Seine, especially implored the Assembly to give the immense majority of the citizens of Paris, *who were oppressed*,

a centre for rallying to—‘ This centre could but be the voting urn, which you yourself must open.’

The Government, however, were in no hurry to do this, but to make a show of doing something they sent Admiral Saisset to Paris. The Admiral, like most of the sailors engaged in the defence of the city against the Prussians, had gained a good deal of popularity. The first day of the insurrection, as he was walking on the boulevards, he was noticed and received a general ovation. This appears to be the sole motive which M. Thiers had for choosing him as temporary representative of the Government in Paris at that critical period. Admiral Saisset was in fact the last and sole person invested with Governmental authority in Paris before hostilities began. Had he been a man of political sagacity and tact, he might possibly have succeeded in pacifying the capital. But he was a mere sailor, inexperienced in revolutions, and of childish simplicity and absence of purpose. He appears to have been quite bewildered on the night of his arrival in Paris after his appointment. He came and looked at things, listened to all the flying reports, did not like either what he saw or heard, rushed back to Versailles, and the next day from his seat in the Assembly made an incoherent speech. However, he returned to Paris the next day, where an address to the people had appeared, with his name, announcing (and it has never been stated that he had any authority for the announcement) that the ‘ Assembly ‘ had completely recognised the right of Paris to its municipal ‘ franchises, and to elect all the officers of the National Guard ; ‘ that the law on overdue bills was to be revised, as well as ‘ the law about unpaid terms of rent ; and that he would remain ‘ at his post until he was either elected or replaced.’ After which, with the exception that he made his appearance in the useless unarmed demonstration in the Place Vendôme, Admiral Saisset disappeared from view for some days altogether. No one apparently knows either what he did or where he was ; and when he did appear again, it was only to undo everything the party of order had done without him, and to disarm them by proclamations in the face of the Commune ; after which, in a day or two, he escaped to Versailles on foot, in plain clothes, in disguise, with a wig and spectacles, leaving his epaulettes, his sword, and his admiral’s hat behind him. The general impression was that he had lost his head ; and this was the man M. Thiers had charged with the pacification of Paris.

The non-federal portion of the National Guard had, just as Admiral Saisset gave them up, placed themselves in a very

advantageous position for making head against the insurgents. The chief and most pressing difficulty was the matter of the elections, which the Central Committee had appointed for Wednesday, the 22nd. With respect to these elections, the Government was placed, by the courageous action of the Parisian Press, in such a strong position as no French Government had ever been placed before. The whole of the journals of Paris of any consideration, without distinction of opinion, protested on the 21st of March against the elections being held on the 22nd at the dictation of the Hôtel de Ville, and advised the electors to take no notice of the convocation. The editors of thirty-one newspapers took part in this declaration. Neither the Government nor Assembly took the slightest notice of this powerful manifestation of opinion, though the official journal of the Committee immediately responded with a threatening notice to the whole of the press of Paris, and the insurgent junta were in a measure influenced, for they put off the elections till Sunday the 26th.

This unanimous expression of opinion of the Press, however, inspired the non-insurrectionary portion of the citizens to make the two demonstrations known as the demonstrations of the party of order. The first took place on the evening of the 21st. From two to three thousand Parisians without arms paraded the boulevards in procession, crying, '*Vive l'ordre! Vive le suffrage universel! Vive l'Assemblée nationale! Vive la République!*' and though their cries were somewhat too provocative, and their air too defiant for a party of peace, the demonstration went off very well. This encouraged them to attempt a larger demonstration of the kind the next day in greater numbers. A vast body, apparently without arms, though numbers carried revolvers and poniards, and several well-known Bonapartists took a prominent part in the procession, descended the boulevards in the same way, and this time determined to attempt to cross the Place Vendôme, within which the insurgent battalions had strongly fortified themselves with barricades, and kept an armed watch. It was a foolish step, no doubt, to take; nevertheless, it was on the point of succeeding; the front ranks of the demonstration, on marching towards the barricades of the Place Vendôme, came close up to the first of the three lines of sentinels outside. The front ranks on both sides got mixed up together; there was much shouting and waving of white handkerchiefs and attempts at fraternisation; eye-witnesses declare that the Federals were on the point of yielding—at all events, it was a moment of intense excitement and hesitation, which ended, no one exactly knows how, in calamity. Some say the peace party tried to

wrench the muskets from the hands of the foremost insurgents; the insurgents declare that three summonses were given to the crowd to draw back; the American General Sheridan, who saw the scene from a window, declares that the first shot from a revolver was fired from among the peace party; at any rate, the insurgent officer in command gave orders to fire, and the Federals, some, it is said, firing in the air, and some among the crowd, discharged their fire-arms, more volleys succeeded, there were many victims, and the crowd fled in disorder.

This massacre, although it spread at once terror throughout the metropolis, did not abate the rising spirit of resistance in the better quarters; on the contrary, it gathered force. The non-insurgent National Guards now took up arms, and, partly by show of force, and partly by persuasion, got, as we have said, possession of the greater part of all western Paris. The tension of suspense during the next few days was awful. Paris was divided into two hostile camps, and civil war in the streets might break out at any moment. For three days not a shop was open on the boulevards or in the adjoining streets; the *cafés* and *restaurants* remained all hermetically sheathed to the ground in their iron shutters; and the well-affected portion of the National Guards at their chief posts, the Ministry of Finance, the Bourse, and the Gare St. Lazarre, kept watch day and night. Their numbers increased every hour, and they were ready to fight rather than be forced to go to the poll against their will.

While the capital was in a state of universal anguish and suspense unequalled by anything which happened up to the time of the actual entry of the troops two months later, the Government and the Assembly seemed bent upon nothing but showing their hatred for Paris and the Parisians. The deputies of Paris and the *maires* and other persons were continually flying backwards and forwards from Paris to Versailles, and from Versailles to Paris, to arrange either some terms of conciliation, or to get the Government to assist the party of order. A deputation of the fifteenth arrondissement and several other quarters went to Versailles to ask for the support of a corps of only five or six thousand men to aid the party of order in the resistance they were making. Their request was not listened to; they were told that it would be better for the National Guard to establish order unassisted.

On the 23rd, a scene of the most extraordinary character took place in the Assembly. On the motion of M. Arnaud de l'Arriège it was arranged that the *maires* of Paris who were in waiting should be received in the gallery, to make an

important communication to the Chamber, which one of their number should read at the *tribune*. The *maires* appeared wearing their scarfs of office; the Left, at their appearance, cried *Vive la France! Vive la République!* The Right responded *Vive la France!* the *maires* cried *Vive la France! Vive la République!* upon which the whole Right flew into a frenzy, and part of them put on their hats. The tumult was so great that nothing could be heard; the President suspended the sitting. The *maires* never again appeared in the Assembly; and more deputies shortly after sent in their resignation. In the sitting of the 25th, however, the deputies of Paris delivered a letter from the *maires*, declaring their conviction of the urgent and immediate necessity of measures being taken for giving Paris a municipal council, and asking the Assembly for recognition of such steps as they might take in a spirit of conciliation in the alarming state of Paris. The letter was placed on record, but the Assembly did not even give it the honour of a discussion. One can hardly wonder at the unparliamentary exclamation of M. Floquet, deputy of Paris, on the following day, extorted by another outbreak on the part of the Right, '*Ces hommes-là sont fous!*'

The *maires* and deputies of Paris, on their return to the capital, naturally found themselves in a most embarrassing position; they had not a shred of authority, except such as the elections gave them; but they united with Admiral Saisset, who had some sort of official position, and asked the Central Committee to send them two delegates to discuss terms of conciliation as to the date of the municipal election. The Committee sent two delegates to the *mairie* of Saint Germain l'Auxerrois, then in possession of the party of order; and after an hour's deliberation it was agreed that the terms of conciliation proposed by Admiral Saisset, in the name of the Government, should be accepted, and that the elections should take place on the 30th of March. The Central Committee agreed to surrender the Hôtel de Ville, and all the *mairies* and other parts of Paris, only they were to hold the Place Vendôme and the forts, &c., up to midday on the 30th, after which they would surrender all they held, give up the cannon, and destroy the barricades. Both parties retired enchanted, and the delegates fraternised with the loyal National Guards; General Chanzy, who had been taken prisoner, was immediately released. A thrill of joy ran round Paris at this news. For three days people had been living in one prolonged agony of suspense, and now all seemed happily over. It was a repetition of the old story of the *baiser Lamouratte*. There was a

fraternisation of the opposing battalions in various quarters; the *cafés* and shops opened on the boulevards as if by magic, and the promenaders thronged there as usual, with an indescribable air of delight and contentment. We cannot say whether this was a mere farce played by the Central Committee, in order to disarm the loyal sections. If it was it thoroughly succeeded; for Admiral Saisset immediately issued an authorisation for the loyal National Guards to retire from their posts and go to their homes. This proclamation of the Admiral was the signal for the total dissolution of the loyal National Guard. They dispersed to their homes, and gave up all the results of the stand they had made during these terrible days. The chief of the staff of the Admiral, M. de Beaufort, seemed to have an idea of the unutterable folly of his chief; for he concluded the report we have before noticed thus:—

‘In quitting this brave and intelligent population which inhabits Paris, and which is so neglected at this moment by the Government, I feel it due to them to declare publicly the desire this great city has to maintain tranquillity, and the force it possesses for this purpose;’ and ends by thanking them for the assistance they had given him.

Immediately the Central Committee were assured of the retirement of their adversaries, they assembled at the Hôtel de Ville under Assi; and Assi, in a double-faced speech, first declared his willingness to accept the propositions of Admiral Saisset, and then suggested that the delay fixed upon for the elections would be dangerous, and proposed to break off the negotiations. Bergeret supported him; and the Committee, late in the night, sent delegates to the *mairie* of Saint Germain l’Auxerrois to declare that the elections must take place on the 26th.

These delegates returned to the Committee at midnight, with information that the Government of Versailles would not even accept the elections on the 30th. The Committee then declared the negotiations to be entirely null and void, and separated with cries of *Vive la République!—Vive la Commune!* The whole of the night there was a going to and fro between the *mairie* of Saint Germain l’Auxerrois and the Hôtel de Ville. At three o’clock in the morning Ravvier, a member of the Committee, came to declare that the elections must take place on the morrow. The deputies and *maires* thus taken aback, and in order, as they said, to save the effusion of blood and civil war, yielded to the Committee; and a joint proclamation was published calling on the population to vote on the morrow for the municipal council. In consequence of this the elections took place. The Central Committee had of course

their lists of candidates prepared; there was not time for their adversaries to prepare theirs; but in the non-insurrectionary quarters the electors, according to the advice of the journals, voted for the *maires* and *adjoints* whom they had previously elected during the siege. The number of voters was much larger than might have been expected; about 200,000 persons took part in the elections, of whom 140,000 voted for the men on the lists of the Central Committee, and about 60,000 for the lists of their opponents.

The number of candidates elected should have been ninety-four, but by reason of double elections and absence of some of the candidates there were only eighty members elected to the new municipal government. Of these about four and twenty declined to serve. Flourens and Duval, two of the members, were the one killed, the other shot, in the first engagement; so that there were speedily twenty-six vacancies. These were filled up by supplementary elections on the 16th of April, when, of course, a very large number of the Parisians had escaped. Of the men thus elected the majority were working men.

The title of Commune was taken on the proposition of Eudes, a young man of twenty-six, named subsequently one of the Communal generals, who had been already successively a chemist, a short-hand writer, and an atheistic journalist, in which latter capacity he was condemned to six months of prison under the Empire; and he was one of those who made the foolhardy attack on the post of firemen in the month of August 1870. The *fête* of its installation having been celebrated at the Hôtel de Ville on the 28th, the Commune proceeded to publish an interminable list of decrees. The first decree abolished conscription, and declared that no military force except the National Guard should enter Paris. It affected to settle at once the rent question, by surrendering to the tenant all rents up to April 1872; it also suspended all sales at the *Monts de Piété*; so that the members of the Commune at once assumed the functions of Government.

There was an appearance of order at first in the manner in which the Commune organised itself, due, as we have said, to Delescluze, who proposed the provisional form of constitution which was adopted. Nine committees were elected to preside over the nine different departments of the Government. These elected delegates to act as the ministerial body of the Commune; Cluseret was Delegate of War; Jourde, of Finance; Viard, of Subsistence; Paschal Grousset, of Foreign Affairs; Protot, of Justice; Raoul Rigault, of General Safety; Léo

Franckel, of Labour and Exchange; Andricu, of Public Works; with a committee of five members to assist each of the delegate ministers. The ministers were to meet every night and arrange the general conduct of the departments; and their decisions were to be submitted the next day to the Commune at large.

This constitution, with perpetual changes in the distribution of parts, since disunion and suspicion soon set in among them, and the very leaders of the insurrection were sent to Mazas one after another, lasted till the 1st of May, when the Government of the Commune took a new form, borrowed from the Republic of 1793. A Committee of Public Safety of five members was named, but not without a strong opposition.

The first Committee of Public Safety was composed of Arnaud, working man, 28 years of age, Socialist; Léo Meillet, journalist, 27, Jacobin; Ranvier, decorative painter, 55, Socialist; Félix Pyat, man of letters, 60, Jacobin; Gérardin, contractor, Socialist. A fresh Committee was elected on the 10th of May. Ranvier and Arnaud retained their seats, and Gambon, proprietor, 51, Eudes, and Delescluze were the new members. This second Committee of Public Safety was named after Rossel, the last general of the Commune, had been arrested and escaped from his confinement, and carried off with him Gérardin, who had been appointed to keep him in custody. When the second Committee, however, came to take matters in hand, they could fix upon no one better than Delescluze to be Delegate of War; and then Billioray was elected in the place of Delescluze as a member of the Committee. This Committee of Public Safety continued in office up to the end of the insurrection, but both bodies and their predecessor, the Executive Committee, were constantly meddled with by that mysterious *junta*, the Central Committee, representing more especially the International, which, although it had abandoned the Hôtel de Ville to the Commune, continued to sit at the Place Vendôme, fulfilling what it was pleased to call its special functions as the 'family council' of the National Guard. Rossel gave as an excuse for his resignation as Minister of War, the continual interference of this body with military affairs.

Such was the changing system of organisation which directed the affairs of the Commune. One strange circumstance, however, has been passed over. The minority who voted against the establishment of the Committee of Safety gave in their resignation, and published a joint letter signed by all, giving their reasons for so doing; but, on the threat of a vote of

censure by the majority, they quietly, like Félix Pyat, resumed their places, yielding in fact to terror. The measures and decrees of this unstable organisation were naturally in harmony with its fluctuating character. Programme succeeded programme in vague revolutionary jargon, all equally indefinite and impracticable; and decree followed upon decree, each one frequently in direct contradiction to its predecessor. The legislation of the Commune was chaos itself.

The geographical or political limit of the Commune was never defined; it was to be supreme, without dictating to France—a free city in a free state—it was to have its own laws, its own executive, its own police; there was to be no army but the National Guard, which was to elect its own officers. Paris, it was said in the last programme, was by her combats and her sacrifices working for the benefit of all France. The benefits thus held out were, first, the organisation of a new municipal autonomy; and, secondly, total renovation of the nation politically and socially. The difficulty was great enough for Paris to settle the first point, but it became marvellously complicated by the introduction of the second. Moreover, there is not a single one of its own principles which the Commune did not habitually violate. One of the avowed objects of the insurrection was that the National Guard should elect the whole of its own officers, including the commander-in-chief. Yet Eudes, Duval, Bergeret, Cluseret, Rossel, and Dombrowski, were appointed and removed one after the other as despotically as if they had been fighting for the Czar of all the Russias; the Commune proclaimed the inviolability of personal liberty, liberty of conscience, and liberty of labour, while they filled their prisons with arbitrary arrests, shut up the churches, and constrained workmen by fear of execution to leave their workshops and shoulder the musket. They invited free manifestation of opinion, while all public meetings but those they chose to authorise were forbidden by fear of a fusillade; and all newspapers but their own were suppressed. They announced the end of militarism and functionarism, and Paris was turned into a camp ruled by military law, although the state of siege was nominally abolished. They may, of course, justify these violations of their principles by averring that they were but the pressing necessities of a state of war, but the Government of the late Empire justified its repressive measures in much the same way. Our work would be endless if we attempted to point out the confusion of ideas involved in their decrees. Wishing to give some satisfaction to the doctrine of social equality, they abolished the grade of general; but

the chief of an army must be called something, so the *title* of General was allowed to remain, and the decree of the Commune did not prevent the designation from being used in their official journal for a single day. The quantity of *pensions* which they voted to the widows and relatives of soldiers of the Commune was enormous; and these were granted to the widows whether legitimate or not—to the children whether recognised or not.

The relation of the Commune to the journals is one of the most curious points in their history. Journals which had survived through every *régime* were suppressed one after the other; and the last decree of suppression exercised by the Second Committee of Public Safety left alive hardly any newspapers which were not the property of or edited by members of the Commune or their friends. This last decree of suppression was published on the 19th of May, when the Commune was at its last gasp, and at the same time forbade the reappearance of any fresh journals till the war was ended. Rochefort, who had been already preparing for flight for some time, quitted Paris in disguise on the 19th of May, leaving a note behind him declaring that the *Mot d'Ordre* considered it beneath its dignity to appear in the present situation of the press. The Commune cannot escape being judged by the character of the journals which were left alive, and which were consequently the representatives of its opinions; and a more wretched bundle of trash could hardly be collected in Mexico or the States of South America. The paper which evidently had the most influence with them was the *Père Duchesne*, edited by M. Vermesch, a vile and scandalous imitation of the sheet of the same name of the first Republic, whose denunciations often took effect, and to one of which was due the assassination of Chaudey, one of the writers in the *Siècle*, and an *avocat* of the *Cour d'Appel*. The pretext for his murder was that he was in office at the Hôtel de Ville on the 22nd of October, when the Breton Mobiles fired from the windows.

Both before and after the cannon of civil war resounded within the city, various projects of conciliation were set on foot which excited a hope in the well-meaning that further conflict would be averted or arrested. All these essays of conciliation failed mainly because both parties claimed to exercise sovereign attributes, and neither would recognise the authority claimed by the other. With the Assembly and with M. Thiers, the Commune were a set of criminals with whom there could be no dealing; while the Commune denied the sovereignty of the Assembly altogether, and declared that it

had been elected merely for a special purpose—to make the peace—an opinion which is shared, as a recent vote has shown, by one-third of the Assembly itself.

This point of the sovereignty of the Assembly was in fact the great rock upon which all the attempts at conciliation split. M. Thiers constantly upheld that it was sovereign, but the advanced Republican party in France were of an opposite opinion. One of the most interesting and impartial accounts of the irreconcilable differences which separated Versailles from the Commune is to be found in the report of the delegates of Lyons, which city had taken the opportunity during the war of forming its own Commune, which it still retains. These delegates were deputed by the municipal council of Lyons to visit Paris and Versailles, and to endeavour, if possible, to put an end to this fratricidal war. They went first to Versailles, and there had an interview with M. Thiers, who received them very cordially, and made an effort to win them over to his opinions, though their views were found to be irreconcilable in the matter of the sovereignty of the Assembly.

After this interview, they went to Paris, which journey, they said, seemed at Versailles at that time an act of heroism; and indeed not only Versailles, but all the provinces imagined Paris to be a mere den of thieves and murderers, swimming in blood, and given up to violence and pillage. After visiting various quarters of the town, and interrogating persons of every class, the delegates were convinced that, though casual acts of disorder might be committed by subordinates, there was no such reign of violence as was supposed; and the political result of their inquiries was that Paris as a whole was not on the side of the Commune, against which the chief reproach they made was that it had for a long time omitted to issue a programme; and when it did issue one, the document was vague in character and exaggerated in expression. But, said the delegates, if Paris is not on the side of the Commune, it is still less on the side of the Assembly on the subject of its municipal franchises as to which they found opinion unanimous.

After having thus made an examination of Paris, the delegates had an interview with the Executive Committee. They there found the same obstinacy which they had encountered at Versailles, the same resolution to carry the contest to the extreme, the same resistance to all ideas of conciliation. Finding the chiefs of the Commune deaf to reason, the delegates returned to Versailles to advocate with M. Thiers the restoration of the full municipal franchises of Paris; this latter

point granted, they believed the work of conciliation and of putting an end to the civil war would be infinitely lightened. But they found M. Thiers on this point inaccessible to argument. M. Thiers on his side was a fanatic in the matter of centralisation. It was in vain the delegates argued that by refusing to grant fully the municipal liberties of Paris he exasperated its resistance, excited distrust, increased the number and passion of the combatants, and compelled the Assembly to gain its victory at a terrible and dangerous cost. It was in vain that they represented to him that that extreme centralisation to which France had been subjected had enervated the public spirit of the country, and was, in fact, the cause, in great part, of their recent calamities, and that the principle was condemned by the public opinion of France. M. Thiers replied that the law for municipalities which had passed on the 14th of April was the most liberal law which had been passed for years, that it satisfied the wishes of the country, though he objected to it that it went too much in the way of *decentralisation*. 'That which you call public opinion,' he said, 'is but the artificial movement of a dozen towns.'

The delegates of Lyons found it useless to argue the matter further after this last declaration; the Government, they said, denied the existence of public opinion, therefore the great cities of France must prove by their energy that this public opinion really existed; and leaving to the citizens of Paris the work of contriving to fix upon a basis of arrangement, they transferred themselves to Lyons to propose a league with all the great cities of France, into which they hoped to induce the rural Communes to enter, to urge upon the Government of Versailles the adoption of the principle of municipal freedom throughout France. Subsequently, we know, that such a league was set on foot, that the municipality of Bordeaux took the lead in it, and a general meeting of delegates from all the great towns was announced to take place at the chief city of the Garonne; that the Government of Versailles forbade its meeting, and declared that if it did meet, it would be dispersed by force—and the project was abandoned.

The municipal law of the 14th of April which M. Thiers cited to the delegates of Lyons was *not* sufficiently liberal to satisfy the desires of the great towns; and, moreover, he himself had interfered to make it less liberal than it was intended to be. The Assembly, in a rare moment of good sense and in a transitory conciliatory mood, had, to the astonishment of all, voted that every town in France should elect its own mayor. After the vote was passed and this point was really

law, M. Thiers came before the Assembly and threatened them with resignation unless they rescinded their decision, and unless they gave him the power of naming the mayors in all towns above 20,000 inhabitants. The Assembly yielded, and rescinded by vote what they had granted the day before, so that to this day no town which has more than 20,000 inhabitants has the right of electing its own mayor.

The insurrectionary party published their two last proclamations on the 24th of May, after two days' fighting in the city. The placards which contained these almost escaped observation, as they could only be posted in the east part of Paris, where the Commune still ruled; the first emanated from the Central Committee, who had the last word in this revolution, as they had the first; it gave out at the last hour their bases for a truce and a settlement. After throwing upon their adversaries the blame of the civil war, they offered a solution in the following five propositions:—

1. The National Assembly, whose functions were at an end, was to dissolve.

2. The Commune would dissolve.

3. The regular army to quit Paris, and to retire for at least twenty-five kilomètres.

4. A temporary power should be composed of the delegates of cities of 50,000 inhabitants, who should name a Provisional Government for the purpose of holding the elections of the Constituent Assembly and of the Commune of Paris.

5. There should be no reprisals either against members of the Assembly or members of the Commune for deeds posterior to the 26th of March.

Failing the acceptance of these overtures, the Central Committee would fulfil its duty up to the end, and throw upon their adversaries all the consequences of a refusal.

This was the most conciliatory and the most definite of all the proclamations of the Central Committee, and it was only wrung from them at the last moment, when they had lost half Paris and their cause was hopeless; yet it deserved consideration. It did, we think, really evince a spirit of conciliation and a certain sincerity. In the first place, it did not attempt to claim any special attributes for the Commune, leaving them, we imagine, to be settled by the future Constituent Assembly. In the next place, the Commune offered to resign, but made its resignation contingent on the dissolution of the Assembly. Lastly, it will be observed that the Central Committee claimed only immunity from reprisals for all acts posterior to the 26th of March, the day of the installation of the Commune, and thus

excluded themselves from this stipulation, as its chief part was played from the 18th to the 26th of March. This, we imagine, was done to meet the constant declarations of M. Thiers, that he would except alone from the free pardon he offered to all, the assassins of the two Generals Lecomte and Clément Thomas. The Central Committee, therefore, offered to accept the responsibility of all acts committed before the installation of the Commune.

The only insuperable difficulty in this offer was the call for the dissolution of the National Assembly. This the Assembly would never have submitted to. They claimed then, as they claim now, to be a sovereign body; but this sovereignty was contested from first to last by the Commune; it is still contested by a very large proportion of the French nation; and after having been the cause of one civil war, it may yet be the cause of another; and why this question, which is insusceptible of argument, should be left undecided by an appeal to the country, it is not possible to see.

The last placard of the authorities of the Commune was the most barbarous of all its proclamations. It was headed *Commune de Paris*, and signed by the Commission of War; it was dated 9 o'clock on the evening of the 4th *Prairial* (May 24).

'Destroy immediately every house from the windows of which there has been firing on the National Guard, and shoot all the inhabitants, if they do not give up and execute themselves the authors of the crime.'

This was the last decree of the Commune, No. 398, published, as we have said, on the third day of the fighting in the city, when the Commune were struggling not for existence—they had no hope of that—but with a determination to resist to the last drop of blood, and to use every means to prolong the conflict to the uttermost, and use every means of destruction. Up to this time, we believe, although there may have been executions of a military character, that the reign of the Commune had not been marked by any sanguinary deeds, always, of course, excepting the fusillade of the Rue de la Paix, which was, at any rate, not a premeditated crime. Neither do we believe that there was anything of the nature of general pillage or recognised acts of robbery. *Mort aux voleurs!* was of course posted up at various places, according to the due precedent of all revolutions; and though there was much talk of probable pillage, one heard of no actual cases of theft or robbery. The Bank of France, churches, and convents were of course treated as public institutions, since the Commune claimed to be the Government; and it is astonishing, considering that there was a very large amount of bullion and

and notes in the Bank of France, that the establishment managed to escape with only a loss of sixteen millions, of which only nine belonged to the city of Paris.

A distinction of course must be made between the conduct of the Commune towards private persons and towards those arrested on public grounds, under which denomination come M. Chaudey, the Archbishop of Paris, the Curé of the Madeleine, M. Bonjean, and the rest who were secured as hostages. The moving causes and manner of the arrests of the hostages have never been clearly set forth. Up to the time of the outbreak of hostilities, the insurrection had, with the exception of the temporary arrest of General Chanzy, mainly occupied itself with arresting its own members—Lullier, Assi, and others, whom it suspected of having plans of their own. Hostilities commenced on the 2nd of April; on the 3rd, Bergeret, Flourens, and Duval, generals of the Commune, made their march upon Versailles, which came to disaster, and in which Flourens was killed and Duval taken prisoner. As Duval was being led off to Versailles in company with other prisoners, General Vinoy passed by, saw by Duval's uniform that he was an officer, and had him brought up before him; and after a brief interrogation, Duval was led off into a field and shot.

The chiefs of the Commune were wild with rage, both at the defeat and the manner of the death of Duval, and determined on adopting the system which the Prussians had used during the war—the seizure of hostages.* Consequently, the day after the execution of Duval, the Archbishop of Paris, the Curé of the Madeleine, and a great number of other priests and laymen, were arrested; and on the 5th of April the Commune published a proclamation and a decree. The proclamation began by stating that the 'bandits' of Versailles daily 'massacred or shot the prisoners,' and affirmed that the Commune would take eye for eye and tooth for tooth; while the decree declared, that all persons suspected of being in complicity with Versailles should be arrested; that a jury should be formed to try them, and that those condemned by the jury should be kept as hostages for the people of Paris. The most sanguinary part of the decree was in the fifth paragraph, which declared that any execution of a prisoner of war of the Commune should be followed immediately by the execution of a treble number of the hostages retained by the verdict of the jury. This decree, however, was never put into operation, so

* In both the system of hostages and the use of petroleum the Commune avow they took their lessons from the Prussians.

far as the institution of a jury was concerned, though we may presume that arrests continued to be made under the pretext of its first article, directed against persons suspected to be in complicity with Versailles. Numerous decrees were passed by the Commune relating to the examination of the prisoners, and some of the members showed a sincere desire to liberate all detained without proofs of complicity with Versailles; but these decrees never met with any attention, and the prisoners remained unexamined.

The first occasion on which the lives of the hostages were seriously threatened was at the sitting of the Commune of the 17th of May. Urbain, formerly a schoolmaster, who had installed himself with his mistress in the *mairie* of the seventh arrondissement Faubourg Saint Germain, of which he was the delegate, read a report to the Commune, which asserted that a woman attached to the ambulances of the Commune had been violated and killed, and demanded that ten of the hostages of the Commune should be shot within twenty-four hours. Raoul Rigault, the Procureur of the Commune, who appears that day to have been in a clement mood, expressed his desire to reply to the outrages of Versailles by striking the guilty, and not chance persons—‘I would sooner,’ he said, ‘let the guilty escape than strike an innocent person.’ Protot, the Delegate of Justice, said the prisoners should be tried; and the Commune ended the discussion by referring to its decree on the matter and demanding its execution.

The actual assassination of the hostages is clearly traced home to Raoul Rigault and Ferré, his subordinate. It does not appear whether Protot, the Delegate of Justice, had a hand in the final massacre, though he undoubtedly had in its preparation. The final list of the hostages destined to assassination was drawn up under horrible circumstances. Protot, Rigault, and Ferré, who varied their occupations as justiciaries of the insurrection with luxurious breakfasts and dinners at the *Trois Frères*, and attendance in the evenings at a private box which they requisitioned at the *Déclassés Comiques*—a small theatre which, during all the time of the Commune, gave a series of burlesque performances, and latterly a piece called the *Conte des Fées*, accompanied with singing and dancing. On the night of the 21st—the night of the entry of the troops—this triumvirate were at their usual places in the theatre, and ordered supper for six in the adjoining *café*, where they were in the habit of supping after the performance, in the society of three of the female performers. While the three assassins were waiting at the supper table

for the ladies to change their dress and join them, they wiled away the time by drawing up a list of the hostages to be massacred on the morrow. The confusion into which the sudden entry of the troops threw Paris on the 22nd made them alter their plans; but Raoul Rigault himself carried into effect the execution of Chaudey (who had been arrested on different grounds), on the 23rd.

Although participation in the crime of the massacre of the hostages cannot be brought home to the more moderate of the members of the Commune, yet, when they combined to place power in the hands of such men as Rigault, they may fairly be considered as answerable for the consequences. The character of Rigault was thoroughly well known; he came of respectable family, and was brought up for the bar; but habits of Parisian vagabondage, haunting low society, a passion for low revolutionary literature, and love of blasphemous talk, had utterly corrupted talents which were originally of a smart clever order. He was well known among his comrades of the bar as a mixture of shamelessness, blasphemy, and absinthe. His brain, indeed, seemed turned with the unbridled license in which he revelled, and he took pleasure in crazes of the most peculiar kind. One of these consisted in raking up at libraries the old journals of the Revolution in order to sound the praises of such men as Fouquier-Tinville, Marat, and the Père Duchesne; another in avoiding scrupulously to mention any word having any religious association. The Hôtel Dieu with him was the Hôtel Chose; the Faubourg Saint Antoine was the Faubourg Antoine; the Rue Saint Hyacinthe was the Rue Hya;* another craze was the strange fascination which he felt for tracking the movements of the detective police, and he was known to spend hours at a time in slinking about from street to street watching and divining the movements of sergeants-de-ville. Such was the young reprobate whom the Commune appointed first delegate of Public Safety, and then Procureur-Général of the Commune. Rigault, when he gave up the place of Delegate of Public Safety, appointed Ferré, an accountant, a man of his own age but of still more odious and sinister character; and Ferré was perhaps the only man connected with the Commune who could have carried out the execution of the hostages with such unrelenting and horrible

* While Procureur-Général of the Commune he wrote out a *laissez passer* for a priest thus:—'*Laissez passer M—, qui se dit le serviteur d'un nommé Dieu.*'

atrocities. Raoul Rigault, however, seems to have charged himself alone with the execution of Chaudey. At ten o'clock of the night of the 23rd, when the Tuileries and the Hôtel de Ville, and some of the most splendid edifices of Paris had already been burning for hours, and the troops had advanced along the boulevards as far as the Porte Saint Denis, Rigault, with companions armed to the teeth, went to the prison of St. Pélagie, and sent for Chaudey to the registry, and told him that he must die at once. Chaudey protested gently, and Rigault reproached him with having caused the people to be fired at on the 22nd of January. He sent for a firing party from a neighbouring post, and after a few words Chaudey was led out and shot, Rigault drawing his sword and giving the word of command; three sergents-de-ville were shot immediately afterwards without trial.

The reign of massacre had now set in.

The partisans of the Commune had successively fallen off since the 18th of March, as each crisis denoted an increase of violence on the part of the Commune, till its soldiers, which numbered 200,000 at the commencement, consisted at last of but from 25,000 to 30,000 men. Those who were left were with their leaders necessarily the most desperate characters of all Paris—a medley of fanaticism and crime. The passions of these men had hitherto been kept under some control—they now broke out in fury. Maddened with defeat, and reckless of life, the last defenders of the Commune died like some of the monsters of legend, vomiting fire and hurling massacre on all around them. On the night following the assassination of Chaudey, the convent of the Dominicans of Arceuil was invaded by a troop of federals wild with rage. The monks were driven out into the street and shot down on the public way. On the following days—the 24th and 25th—such members of the Commune as still headed the hopeless resistance, transferred themselves from the burning Hôtel de Ville to the prison of La Roquette, and instructed the miscreant Ferré to hold a court-martial on the hostages, who had been transferred there from Mazas. Ferré had arrived at La Roquette after having set fire to the Préfecture de Police, and given orders that the prisoners confined there should not be released, and so consumed alive. He presided over all the massacres which took place at La Roquette, surrounded by a mob of ferocious assassins and horrible women. The principal hostages were not brought before the court-martial at all, but simply called out of their cells and shot in batches. The turn of the Archbishop of

Paris came first, and he and the President Bonjean, and four other priests were shot on the 24th.*

On the Thursday and Friday other batches of hostages were shot. The mock court-martial which sat all the time at La Roquette was chiefly occupied with condemning wretched gendarmes and chance prisoners captured in the streets. It was composed in part of young scoundrels of seventeen and eighteen, and the guard was a troop of furious harridans, the leader of whom was a woman who rushed about screaming wildly with a revolver in her hand, with which she threatened all who had a word to say for the prisoners. The imprecations of the crowd were directed chiefly against priests and gendarmes. '*Nous allons donc manger du gendarme,*' the chief virago cried when one had just been condemned. One drunken wretch, with his moustache dripping with wine as though with blood, amused himself with *tutoying* an expected victim and combing his beard with a bayonet. The firing parties made sport of their victims in various ways, but chiefly by letting them think they might escape, and then shooting them running. When they fell, insurgents advanced to finish them off, and then felt in the pockets of the bleeding victims for money. Monseigneur Surat was treated somewhat in this way: he was enticed out of his prison by being told he might leave, when women shot him with revolvers outside. The last act of Ferré at La Roquette was to call the convicted criminals in the prison into the registry, to tell them they were free, to give them arms, and then set them on sixty-six defenceless gendarmes, who were all massacred. He set at liberty at the same time the young criminals, and gave them cans of petroleum, bidding them go and spread fire about the city. This is the last we hear of Ferré's doings until he appears at the court-martial at Versailles, at which he was condemned to death, and at which other acts of as great barbarity were proved against him, committed apparently for the mere pleasure of taking away life.

His comrade, Raoul Rigault, died at least with more spirit; he was shot while defending a barricade in the Faubourg St. Germain, where his body was found hideously mangled.

* One witness at the late trials deposed to having heard Ferré address the firing party before the execution thus:—'You know how many men they have killed of ours—six—well, we must shoot six of theirs.' No doubt a few of the men who took part in these sanguinary scenes were persuaded to begin their bloody work with arguments like these; and some of the firing party who were told off to shoot the Archbishop fell down on their knees before him and asked his pardon, till they were forced back with curses and blows by their comrades.

There is a document signed Delescluze and Billioray which charges Rigault with the execution of the decree about the hostages. Rigault delegated his authority to Ferré.

If, up to the time at which the streets of Paris became the scene of actual warfare, the order and general respect for life and property was remarkable, considering that Paris was completely at the mercy of the populace, yet the fear of denunciations abounded, and arbitrary arrests of persons so denounced were frequent, till men between the ages of nineteen and forty, who remained in Paris, and who wished to escape fighting for the Commune, led a life of continuous terror. At first military service was declared obligatory only on unmarried men between seventeen and thirty-five; afterwards on all men, married or unmarried, between nineteen and forty; and this by a Government which had abolished conscription. Multitudes of young men, in anticipation of the measures likely to be taken by the Commune, and to avoid serving in this fratricidal war, fled away before the commencement of hostilities, but after the 5th of April all the railway stations and outlets of Paris were watched to prevent inhabitants liable to service from escaping. Every device was practised daily by those who were styled *réfractaires* for withdrawing from the reach of the Commune. Some lived in the city in a constant state of flight, changing their domicile every two or three days. False passports were in universal demand—some escaped in the guise of women; some in the disguise of carters, draymen, and porters. Some let themselves down from the walls by night, and such ladies as remained in charge of the ambulances of the city were beset with imploring petitions from young men to be allowed to serve as hospital servants. The Commune issued decree after decree of increasing severity in order to catch the fugitives; the inhabitants at large were called upon to denounce them; then the *concierge* of every house was required to draw up a list of its inmates. As a punishment for the *réfractaire*, the Commune at first simply decreed that he should be disarmed; next he was assured that he was incurring the risk of a court-martial, whose *only* punishment was death. There was then issued a strange decree that all who refused to fight should be seized and marched off to prison by a band of the armed viragos of the Commune. Finally, on the 17th of March, the refractory National Guard of the 8th arrondissement were required to present themselves under pain of death within twenty-four hours. The streets were moreover drawn towards the end of the reign of the Commune by companies of Communal soldiers,

and the houses examined one after the other, while posts of soldiers occupied all issues and forced all passers-by to show their passports. An immense number of unwilling soldiers of the Commune were so made, and it was an everyday occurrence to see some unfortunate fellows marched along the streets under a guard, having just been caught and impressed into the service of the insurrection. Terrible as was such a state of existence for half the male population of Paris, yet, respecting the court-martial, it is but just to say that its sentences, if severe, were rarely carried out. Rossel was the president of the first court-martial of the Commune, but as he was displaced by the Commune on account of his severity, his sentences were not executed, and after his dismissal the court ceased for some time to act at all.

There is one characteristic of the Commune which is perhaps more condemnatory of the movement than any other—that not a single member of it seems to have entertained an idea of self-sacrifice for the benefit of the population whom they had oppressed, and of their wretched followers whom they had deluded. One of the most pathetic and noble stories of history is that of the mayor and burgesses of Calais presenting themselves, with ropes round their necks, before Edward III., in order to save the lives of their fellow-citizens. But, alas! we are very far from such heroism now-a-days. Not a member of the Commune but appears to have acted in the interest of his own fanaticism, conceit, or safety right up to the end. Some, it is true, died fighting like wild beasts, dealing destruction round them to the utmost of their power, and that was all. And some, on being shot by the soldiers on the very scenes of their deeds of atrocity, still died with the catchwords of revolution in their mouth. The officer who led Millière up the steps of the Pantheon for execution, pointed out to him on the peristyle marks of shot. It was here that Millière, on the day before, had presided over the execution of thirty National Guards who had refused to fight at the barricades. Nevertheless, Millière, when he took his place, bared his breast, threw up his arms, and cried aloud as he fell, '*Vive la République! Vive le Peuple! Vive l'Humanité!*'

Yet, monstrous as were the deeds of the Commune in its dying hour, had not the troops of Versailles by a fortunate chance and by the daring of Ducatel, a private of the Municipal Guard, been enabled to cross the ramparts by surprise, and so leave three or four days less to the chiefs of the Commune for preparation, the destruction of the city and the massacre of the in-

habitants might have taken still vaster proportions. As the hour of its doom was approaching, the council of revolt were seized with a kind of *delirium tremens*, and they launched forth decrees upon decrees of the most sanguinary and merciless character. There is every reason to believe that they intended to destroy the whole city, but the preparations for destruction which they had ordered had as yet only been half carried out, and those which were wholly carried out were in part rendered nugatory by the unforeseen entry of the troops. It is not possible to accept the excuses for their Vandalism in the way of burning public and private edifices, that this was only done for the sake of defence. There are proofs that even before the insurrection had begun, the revolutionary party had contemplated the burning of Paris, and they had long resolved to destroy the Column of the Place Vendôme. A letter of Cluseret's has come to light, written last January twelvemonth from New York, where he was founding a branch of the International; in this letter he tells his correspondent that an attempt to get possession of Paris will soon be made, and adds, 'On that day Paris will be ours, or it will cease to exist!' The journals of the Commune vaunted day after day that their plan was to reduce Paris to ruins. Jules Vallès proclaimed more than once with exultation that all precautions were taken to prevent Paris from falling into the hands of the enemy, and made use of this sinister phrase, 'If M. Thiers is a chemist he will understand us.' Formal instructions were issued by the Commune in posted placards for charging all the sewers with gunpowder near the barricades, large provisions of petroleum had been prepared, and requisitions of this and other inflammable materials were being made up to the last moment. What other meaning, indeed, could be attached to the demands of the official journal of the Commune for the citizens to render an account of all the chemical products they possessed, and supplementary orders of the following kind: 'The possessors of phosphorus and chemical products which have not replied to the appeal of the official journal, expose themselves to an immediate seizure of those articles?' Delescluze writes to Dombrowski: 'Blow up and burn the houses which impede your system of defence. . . . The defenders of the Commune ought to want nothing. Give to the necessitous the goods (*les effets*) which are in the houses to be demolished.' Here is a still more incendiary order of the Central Committee, dated the 23rd of May: 'Every house from which a single shot is fired, or any aggression whatever committed, against the National Guard, will be immediately burnt.'

There was a large store of petroleum at the barracks of the Château d'Eau, in connexion with which this order was found on a National Guard, a chief of a barricade: 'The citizen delegate commanding the barracks of the Château d'Eau is invited to give the bearer the cans of mineral oil necessary for the chief of barricades of the Faubourg du Temple.' Signed Brunel, *Chef de Légion*. There was, in fact, a band of *fuséens* formed of the reprobates, worst women, and vagrant boys of each district, for burning the quarter, of which the following order, signed by Delescluze, Régère, Ranvier, Johannard, Vesinier, Brunel, and Dombrowski, is testimony; this also is dated the 23rd: 'The citizen Millière, with 150 *fuséens*, will burn the suspected houses and public monuments of the left bank. The citizen Dereure, with 100 *fuséens*, will undertake the 1st and 2nd arrondissements. The citizen Billioray, with 100 *fuséens*, is charged with the 9th, 10th, and 20th arrondissements.'

The result of these orders was, that not only were the splendid edifices burnt whose names are known to all the world, but about two thousand private houses besides. Indeed, as the insurgents were driven back step by step within Paris, they only retired leaving ghastly ruin everywhere behind them. By the side of all the formidable barricades with which the many streets of Paris were intersected, were seen piled heaps of incendiary materials which the National Guard carried with them into the houses which they occupied in the vicinity, and when they found they had to retreat they ordered the inhabitants to assist them in daubing the walls and floors with petroleum, and if they refused shot them or threw them into the flames. In the burning houses in the Rue Royale a series of these horrible dramas were perpetrated, which were renewed in almost all quarters of the city. One of the most frightful of these scenes took place on the 25th in the Boulevard Saint Martin, between the theatre of that name and the Théâtre de l'Ambigu. The insurgents massacred all the inhabitants, women and children included, of every floor in the house, because in the general pillage and havoc which they were making of the premises one of the band got a blow from an indignant proprietor. They then set fire to the building and to the neighbouring theatre, which was one of the most popular in Paris.

These explosions of incendiary revenge added a new and awful element of terror to the sensations of such unfortunate inhabitants of Paris as witnessed the last terrible days of the Commune. For nearly two months nerve and brain had been

tortured by the incessant thunder of cannon which raged all around the city and shook the houses from roof to basement. Abandoned to the fury of civil war, and distracted ever and anon by constantly recurring crises of agonising suspense, the capital, in spite of the furious frenzy which ruled supreme, had presented for the most part a ghastly aspect of solitude and desolation. The Boulevards and the Champs Élysées, which the visitor is accustomed to see thronged with gay and light-hearted multitudes, were as deserted oftentimes in broad day as a city at dead of night, and as barren of life as the Great Sahara itself. Along the immense causeways, void of traffic and of the usual trains of elegant equipages, the most frequent signs of activity were the battalions of the National Guard ever marching to the scene of conflict, and accompanied in their march by groups of terrified wives who clung to their husbands to say perhaps a last farewell, and frequent mourning processions, headed by the coffins of citizens slain in civil war, draped around with the red flags of the Commune, and followed by weeping women and troops of comrades with arms reversed, wended their way daily through the desolate streets to the suburban cemeteries. This prolonged epoch of misery, fear, madness, and desolation was at last broken up by the unexpected entrance of the troops of Versailles, and the supreme moment which all had held so long in dread had arrived, that of civil conflict in the streets. For two days and one night the inhabitants of the chief thoroughfares of western Paris lived under an ever-raging storm of shot and shell; the roar of cannon, the fierce, harsh growl of the mitrailleuse, and the running fire of musketry was now close around them. The inhabitants of many houses were so taken by surprise that they had omitted to lay in provisions, and the baker's or the butcher's shop a few doors off was, with the torrent of deadly missiles which swept up and down the streets, as inaccessible as if it had been in another hemisphere.

In the midst of a multitudinous city hundreds of families seemed as cut off from all help from human kind as if they had been in a ship at sea in the centre of a typhoon. Nothing was to be done amid the infernal uproar but to remain behind closed shutters and doors and wait. The appearance of a curious head at a window was sufficient to draw a shower of bullets in its direction; so women sat away in remote corners, even in the cellars; and the hours seemed interminable, even to the bravest, till the cries of *Vive la ligne!* in the street announced that the neighbouring barricade was carried, and that the reign of the Commune was over in that locality. It was no marvel

that the inhabitants should at once all rush into the street to verify the reality of deliverance, and that strangers should congratulate each other on the end of so much misery; but the unceasing thunder of civil war was going on a street or two off, and days yet were to pass before it was to cease altogether. However, people gave themselves up to the rapture of the feeling of safety and freedom for a time. But it did not last long; for the arrival of dusk revealed such an aspect of the whole south-eastern sky as filled the air with a fresh terror. One lurid canopy of fire seemed to be impending over and about to engulf the entire city. People rushed wildly to the tops of houses, or to such open spaces as were accessible, to get a view of the new portent; for hemmed in as they were still by the murderous front of civil war it was perilous to go far from one's quarters. To those who could get a view of the conflagration, whole quarters of the city seemed in flames, and the fire to be gaining strength and approaching at every moment. People remembered then despairingly the reiterated threats of the Commune, that they would lay all Paris in ashes at their fall.

The Red Commune, it seemed, was keeping its word; it would die in a sea of blood and under a canopy of fire. The stricken crowds stood gazing with sickening hearts at the awful light reflected in the heavens, and turning their lurid faces on each other muttered in low voices their worst fears and suspicions. It was said that the regiment of firemen had been dismissed, and the hoses of the fire-engines destroyed, for this eventuality; and there were whisperings that whole quarters were mined, and that it wanted but the spark of an electric wire to lay them in ruins. And when the worn-out inhabitants retired to rest they felt a horrible dread, which surpassed that which beset them the night before when they tried to rest amid the crash of mitrailleuses and the roar of cannon. On the following day set in the panic of the *pétroleuses*; a name coined for the occasion, which was soon in the mouths of all. Whether such women as the imagination pictured to itself—dark female fiends, gliding furtively about from street to street and dropping petroleum and incendiary chemical compounds down into cellars and into open crevices in doors and shutters—did at all exist, we have as yet no proof, but certain it is that they were universally believed in, and that hundreds of innocent creatures were taken as such and summarily shot. If a poor woman were caught with even a cruse of oil she was in danger of her life. Imagination, indeed, makes revengeful cowards of multitudes in insurrectionary

times in Paris, and is terribly inventive. It has been proved that a great part of the atrocities laid to the charge of the insurgents of the terrible days of June 1848 were pure inventions; and such inventions were of frightful frequency in the days during and succeeding the suppression of the Commune, and served to exasperate the minds of the people, and intensify the thirst for vengeance, which was already insatiable enough. The atrocities of the Commune, however, were sufficiently diabolical without calling in the aid of fiction; and their dying fit of incendiary rage increased a hundredfold the horrors which attended the suppression of the revolt. History will never, probably, be able to give an account of the number of innocent victims who perished at their hands, and the number of those who became involved in their ruin was greater still. Paris, for a few days, was one immense field of slaughter and a veritable charnel-house; and amid the enormous number of prisoners taken and shot without judgment, numbers of guiltless people must have perished. Indeed, in the hour of victory, the baser and more malignant passions of human nature broke loose in a way which makes one forget somewhat the barbarities which had been the occasion for their display. People who had either submitted to the reign of the Commune, or coalesced with it, to show their innocence urged on the troops to the massacre of their prisoners, and private enmity made use of every form of cowardly anonymous denunciation, of which hundreds were received by the military and police every day. Women and children were heard horribly to exult over the constant reports of the executions, without judgment, of masses of prisoners, and the verb *fusiller* was repeated with satisfaction in almost every breath.

But the horrors of the closing scenes of the Commune were so great as to be both painful to the memory and not suitable for detailed description; while the political and moral lessons to be drawn from them are not of such interest as those which are to be drawn from a consideration of its origin and of its earlier phases. After hostilities had been commenced, it was necessary perhaps that the fratricidal folly and intolerance which provoked the conflict should pursue it to its awful end; but it would be a slander on the order of the world to say that a catastrophe which does dishonour to humanity might not have been avoided.

- ART. IX.—1. *Hansard's Parliamentary Debates.* Session 1871.
2. *Report from the Select Committee on Public Business in the House of Commons.* August 1848.
3. *Report from the Joint Committee of the House of Lords and the House of Commons on the Despatch of Public and Private Business in Parliament.* August 1869.
4. *Report from the Select Committee on Business of the House of Commons.* March 1871.

THE physical year has been one of unusual character. It has been the cause of anxious hopes and fears to all whose interests depend upon the influence of the seasons. A frosty winter was followed by a tardy spring; a cold and ungenial summer brought heavy rainfalls and violent gusts, relieved by few and fitful bursts of sunshine. The harvest has indeed been late, but, forced on at the last by sudden heat, not so late as had been anticipated. The principal grain crop may not have fully realised the farmer's desire, yet it has proved a substantial and valuable yield. Of the other products of the soil, although some have disappointed hope, the majority have been satisfactorily garnered; while the progress of that important factor in agricultural economy, the root crop, gives good promise for the future.

The season of the political has borne a close resemblance to that of the physical year. It has been marked by abnormal features, it has been fitful and gloomy, and the source of alarm and disappointment. It has had its failures and its shortcomings, yet its fruits, though matured late, and reaped at the last in hot haste and at the cost of extraordinary exertions, will be admitted, on a deliberate survey, to have been neither deficient in quantity nor, in the majority of instances, wanting in quality, while even among those that have not been gathered in, more than one has been advanced to a point which affords fair hope of an early success.

There is, however, this difference to be observed that while the returns of the year to the husbandman's toil are freely and gratefully recognised, the fruits of the political year are depreciated or ignored. That the Tories and other opponents of the Government should act after their kind is but natural, that many true and earnest Liberals should feel annoyance and disappointment is, after much that has taken place, to be expected. In the interest, however, of Liberal principles, and for the credit of the party, we must protest against indulgence in that

disposition to detraction and despondency which has been exhibited by so many actors in, and critics of, the Parliamentary drama. After a respite from the acrimonious controversies and the personal feelings engendered by the strain and suspense of the Session, Liberal nerves should be sufficiently braced, and Liberal constitutions have acquired tone enough, to take a calm and dispassionate measure of its results.

Everyone will admit that the Sessions of 1869 and of 1870 were marked by great and signal achievements. We shall presently recall what those achievements were. We believe that the work accomplished in the Session of 1871 may challenge comparison with that of either of its immediate predecessors.

The huge monopoly of purchase in the army, with its rank growth of vested interests, and all the traditions of caste and wealth in its favour, has been swept away; the privilege of nominating officers to the Militia and the Volunteers has been removed from the private patronage of great nobles and vested in the Crown, and the ground has been otherwise cleared for Army Reform. The Universities have been compelled to surrender; their gates have been opened wide, and the doors even of the Colleges unbarred. The Trades' Union Act, and the Act amending the criminal law in respect to violence, threats, and molestation, offer a remedy for difficulties of long standing on terms equitable to the employers and the employed. The Westmeath Act, as it is commonly termed, has unearthed the Ribbon Society from its lair and sped a home-thrust at its power. The Local Government Board Act is a considerable measure of administrative reform, and opens the way for much-needed improvements in the conduct of local affairs, and a comprehensive system of sanitary regulations. The Ecclesiastical Titles Act has happily disposed of a protracted controversy between rival Churches in a manner agreeable to the principles of religious equality, yet without impairing the position or wounding the susceptibilities of the Protestant Establishment. The Local Government Act for Ireland has supplied a want long felt, extending to municipalities and other local authorities in the sister island legislative facilities corresponding to those enjoyed by similar authorities both in England and in Scotland. The principle of secret ballot has been so decidedly affirmed, and the machinery for giving effect to it so thoroughly canvassed, by the House of Commons, that its way through that assembly is made plain, and its acceptance at no distant date by the other House insured. Amid the pressure of domestic legislation, the state of affairs abroad, and our own relations with

foreign countries, have been of a character to impose a heavy strain upon the Government of the day, and to demand the continued exercise of vigilance and of judgment on the part of Parliament. The firmness and tact of the Foreign Office successfully and honourably maintained our position as neutrals in the war between France and Germany; a task rendered one of singular difficulty and delicacy by the danger of Belgium, our immediate vicinity to the countries engaged, and the irritating question of the supply of materials of war by a neutral to a belligerent. The termination of the Black Sea dispute by a settlement which obtained the concurrence of all the parties concerned, met with the unmistakeable approval of Parliament. Still more did the Treaty of Washington, a monument of diplomatic skill and industry, which has not only removed existing and future sources of danger to friendly intercourse between this country and the United States, but in giving the sanction of both countries to the principle that nations should not be the judges in their own cause, has set an example worthy of imitation by all civilised Powers.

These are results which should suffice to redeem the Session from the charge of barrenness, and the Government from that of inefficiency. Any one of the principal measures above adverted to would have made the reputation of a Session as Sessions were a few years ago. Nor have minor measures of utility been wanting, although amid the din and tumult occasioned by the progress of their mightier contemporaries they have failed to receive the notice to which the care and the labour they represent entitle them. Such, among others, are the Factories and Workshops' Act, the Pauper Inmates Discharge and Regulation Act, the Prevention of Crime Act, the much-needed Act for the better Regulation and Inspection of Railways, the Metropolis Water Act, the Gas Works Clauses Act, the Vaccination Act, the Parliamentary Witnesses Oaths Act, the Act disqualifying Bankrupt Peers from sitting in Parliament, and the Statute Law Revision Act, which has relieved the statute-book of nearly 1,100 obsolete Acts, extending from the reign of William III. to the period of the Union with Ireland.

How comes it, then, that not having suffered a Woerth or a Forbach, having, on the contrary, achieved marked successes, and encountered no enemy who dared offer him a pitched battle, the leader of the Government finds his forces demoralised, his prestige impaired, and his warmest allies assuming an apologetic tone on his behalf? *Tout peut se rétablir* was the announcement of the French Emperor after his double defeat, and those

words express the mixed hope and doubt which prevailed in the mind of every well-wisher of the Liberal Government when Parliament was prorogued.

In the first place, it will hardly be denied by the most virulent opponent, that the Government has had an extraordinary run of ill-fortune. Their first and greatest misfortune was the Franco-German war. They acceded to office as a Government pledged to economy, especially in the military and naval services of the country. No sooner had they by great exertions effected army retrenchments in one direction, disbanding colonial corps and concentrating English regiments at home, than the sudden outbreak of war and the danger of Belgium compelled them to incur fresh outlay in another. Worse than all, it enabled opponents to represent them as obliged to reverse a mistaken policy, and to restore in haste all they had just undone. Again, no sooner had they, in deference to the teachings of the war and the manifest wish of the nation, introduced proposals for systematically strengthening our home defences and organising our land forces, than the conclusion of peace came to deprive them of that impetus on the part of the country without which no considerable reform had heretofore been carried in the teeth of strong and adverse interests. The loss under their administration of the ill-fated 'Captain' threw upon them the entire apparent responsibility for an experimental vessel, selected, adopted, and constructed by order of their predecessors in office. These had been willing enough to claim her as their own as long as everyone was proclaiming her a triumph of naval architecture. As soon as she had perished, the point of view was changed. The present Board of Admiralty, forsooth, was answerable for the vessel because of certain departures from the original model allowed by her author and builders during the process of construction; while the late Board at the same moment, with an audacity of inconsistency truly remarkable, disclaimed all responsibility on the ground that she was the design of a private inventor and built in a private yard.

The case of the 'Megæra' is more intricate, being complicated, not only by a change of Government, but also by a subsequent change in the head of the Admiralty, and by Mr. Reed's retirement. It appears that in the interval between Mr. Childers' relinquishing the active duties of his office and Mr. Goschen's accession thereto, the 'Megæra,' a vessel retained on the list of storeships by the preceding Board of Admiralty, was selected to be sent to Australia; not, however, before she had been docked, examined, and pronounced fit for the service.

Complaints were made at the time of the ship's departure of her being overloaded. The grounds of these complaints were examined into and removed at Queenstown; and the admiral at that port, having pronounced her fit to proceed on the journey, she proceeded accordingly. News then came that she had met with an accident, from no cause connected with the previous complaints, but one the explanation of which perhaps remains to be afforded. Meanwhile, an outcry is raised against the Government of culpable negligence in having neglected warnings. It does not, however, appear that the origin of the disaster now alleged—viz. the thinness of her plates—had ever been made known to the Admiralty by Mr. Reed, who, according to his own statements, was aware of this danger before the vessel sailed. Immediately following upon this untoward event, admirals and captains and staff-commanders, in a calm sea, in broad daylight, ran one of the finest ironclads in the navy on to a well-known rock at one of our stations, and straightway half the world is induced to believe that the fault somehow rests with the Government.

The abandonment of the so-called Berkshire campaign came to crown the mishaps of the Ministry. The decision was arrived at after a report from the Quarter-Master-General and the Inspector-General of Fortifications and a minute of the Surveyor-General of Ordnance, dated July 28th, the main cause assigned for a change of plan being the anticipated lateness of the harvest, which, as was then expected, would not admit of the ground being cleared for the movement of troops until a day which would have thrown the manœuvres into so advanced a period of the year as to be unfavourable to the proposed operations. No sooner had this conclusion been announced than the wet and chilly weather disappeared, August set in with cloudless skies and brilliant sunshine, and so hastened the ripening of the crops, that the harvest, instead of falling, as there had been every reason to suppose, a full month later than usual, proved not more than a fortnight behind that of ordinary seasons. The success which has since attended the experiment of a mimic campaign, in which a British army larger than that under the orders of the Duke of Wellington at Waterloo has taken the field, should go far to remove the unfavourable impressions created by the modification of the original plan.

Lastly, it must not be forgotten that death or sickness deprived the Government within a very short space of time of three of its most important members. No new member of the

Cabinet could adequately make up for the loss of a statesman of Lord Clarendon's standing and recognised ability. To find a substitute for Mr. Bright was a sheer impossibility. Mr. Childers' parliamentary tact, fertility of resource, and conciliatory address have also been sensibly missed.

That the Government, in gold-digger's language, 'struck a streak of bad luck,' cannot be fairly denied. At the same time it must be admitted that the mishaps that have pursued them have been chiefly due to their own want of skill in parliamentary operations. Of the two rival leaders of the House, it may be said that Mr. Gladstone excels in strategy but is deficient in tactics, while Mr. Disraeli is dexterous in tactics but wanting in strategy. Nevertheless, the great and fundamental error in the campaign just closed was one of strategy. The Government undertook more operations than could under the most favourable circumstances have been brought to a successful issue in the time allotted to a session, and engaged too many enemies at once. Intoxicated by the successes of its two first years of office, it apparently imagined that nothing was impossible. It had, indeed, good cause to be elated. No Government, unless it be that of Lord Grey in the years 1832 and 1833, had within a similar space of time achieved such great results. It had in the first session of the present Parliament disestablished and disendowed the Church in Ireland, and severed the connexion between the State and the other religious bodies in that country. All this it had accomplished with a completeness of conception and a mastery of detail that elicited the admiration even of its strongest opponents. The achievements of the second session surpassed even those of the first. The Irish Land Bill dealt with a question that had daunted the courage and baffled the ingenuity of a series of Administrations in a spirit and with a skill that met with the support and approbation of Irish representatives from all parts of the House. For England a comprehensive measure of education was carried which will, it may be hoped, bring education home to every cottage of the country and every court and alley of the towns, and remove from us as a nation the reproach of being so intent upon pecuniary gain, and so bigoted in our sectarian views, that we suffered ignorance to spread over the land rather than make a sacrifice or a concession in respect of either. In the course of these Sessions, by two brilliant and triumphant budgets, the Chancellor of the Exchequer paid off a debt of, in round numbers, 4,600,000*l.* for the Abyssinian war, and provided for a deficiency of 381,000*l.* in the ordinary expenditure, both of which were bequeathed to him by his predecessor; and

gave relief to the public by the abolition or reduction of taxes to an extent of not less than 8,000,000*l.* a year, financial achievements which will bear comparison with the most successful even of Mr. Gladstone's feats in the same field. Nor were the other great departments found halting in the discharge of their several tasks. Large reductions of expenditure were effected in the naval and military services, while the strength of the country for defence at home, or for offence in Europe, so far from being diminished, was actually raised above what it had been under the preceding Administration.* Besides the measures we have mentioned, others of considerable importance were passed in the same years. The Assessed Rates Act restored in an improved form a cheap and convenient method of collection, which the political exigencies of the Conservative Administration had led them to sacrifice to an illusory pretence of basing the suffrage upon personal payment of rates. The compound householder was revived without the loss of his franchise; and a grievance created by the clumsy and imperfect Reform Act of 1868, and sorely felt in cities and boroughs, was removed. The Peace Preservation Act provided for the repression of agrarian crime and the maintenance of order in Ireland, an instrument at once more effectual for the purpose and less oppressive to the liberty of the community than the

* The following statement will show this:—

A. Gross strength of all ranks of the army serving at home—

1868	.	.	.	.	.	87,505
1870	.	.	.	.	.	89,051

B. Reserves liable to serve with the army in case of war—

1868	.	.	.	.	.	3,545
1870	.	.	.	.	.	21,900

Total available at home for service in time of war (A + B)—

1868	.	.	.	.	.	91,050
1870	.	.	.	.	.	110,951

Moreover the number of cadres at home in the years compared were—

	1868.	1870.
Regiments of Cavalry	. 19 .	. 22
Batteries of Artillery	. 97 .	. 105
Companies of Engineers	. 25 .	. 30
Battalions of Infantry	. 53 .	. 75

So that with a greater numerical strength, there was also a better organisation for a further increase. The above figures for 1870 are exclusive of any portion of the 20,000 men voted at the close of the Session in consequence of the outbreak of the war.

old device of suspending the Habeas Corpus Act. The Contagious Diseases (Animals) Act furnished safeguards against the re-introduction of the cattle-plague and other pests among our flocks and herds, through the importation of foreign animals, and means to check their spread if generated at home. It at the same time solved the question of reconciling the interest of the consumer, the producer, and the foreign trader in respect of the Metropolitan Cattle Market, a problem which had baffled the ability of the 'farmer's friends.' These and measures such as the Endowed Schools' Act, the Bankruptcy and Imprisonment for Debt Act, the Telegraphs' Purchase Act, the Army Enlistment Act, the Naturalisation Act, the Extradition of Criminals Act, and others, distinguish the years in question as years of great legislative successes. The memory of political incidents is so fleeting that it is necessary, even at this short distance of time, to recapitulate some of the circumstances connected with the past Session, before venturing to pronounce a judgment upon its character.

The war between France and Germany burst, in the summer of 1870, like a thunderbolt out of a clear sky. Prudence and treaty obligations at once called upon this country to make preparations to meet any emergency that might arise, especially in regard to Antwerp. Although the regular army at home was already the largest the present generation had seen, except immediately after the close of the Crimean war, provision was made for increasing it by 20,000 men; and an outlay of 2,000,000*l.* for military purposes was sanctioned. But at this time the tide was running breathhigh; the treaty for the defence of Belgium met with general approval, and men of all parties and of no party—Radicals, Whigs, and Tories—concurred in approving the military proposals of the Government; so much so that in the House of Commons, when a division was called, only five members could be found to vote against them. The unexpected superiority of strength displayed by one of the combatants soon turned feelings and apprehensions into fresh channels. As the struggle raged faster and hotter, the national mind, already possessed with that vague and uneasy sense which always prevails when blows are being struck, that, if we are not giving and taking some, we are in some way guilty of laches and forfeiting our character, became doubly perplexed and disquieted. The alarmists and the panic-mongers, who trade upon their fears, fanned the flame. There was, indeed, grave cause for reflection, though none for alarm. The spectacle we were witnessing was no mere fight for the champion's belt between two giants armed

with every resource of strength and of science. It was a trial of two military systems; one, the comparatively modern one of a purely professional standing army carried to the utmost development by the warlike genius of France; the other a revival, adapted to the requirements of modern scientific warfare, of the early mediæval practice under which every man was bound to serve, and the army was, in fact, a nation in arms. France had long taken rank as the first military Power on the Continent. We had repeatedly, as friend or as foe, measured ourselves with France, and felt that we had pretty well gauged our relative strength and qualities. Now, however, a new power, based upon a new system, had appeared upon the scene, and the might of France had at once gone down before it. The teachings of the war were apparent for those who cared to learn. If we would maintain our present military position relatively to other countries, we must weed our army of unprofessional officers; we must increase the proportion borne by the scientific branches, especially the artillery, to the rest of the force; we must provide more trained soldiers, whom we could on an emergency summon to the colours, and at the same time avoid permanently withdrawing greater numbers from the pursuits of industry; we must improve the officers and raise the efficiency of the Militia, and appeal to the zeal and energy of our Volunteers to devote, if possible, still more time and labour to their country, and to submit to a stricter discipline. In short, we must raise the standard of our professional soldiers, and call upon our auxiliary and amateur soldiers to qualify themselves as nearly as possible as professionals. This task the Government was obviously called upon, in accordance with the lessons of the war and the loudly expressed wishes of the country, to undertake. They accordingly introduced a measure for the extension and improvement of our land forces; and Mr. Cardwell's proposals at the opening of the Session were, on the whole, received with signal favour.

These proposals were briefly as follows:—To keep up the strength of the regular army, more especially the artillery service, and expedite the formation of an efficient reserve, by retaining the additional men voted in the preceding autumn. To provide power of expanding that army by keeping regiments at home, instead of dispersing them over the globe, and thus having cadres ready to be filled up. To add to the Militia 45,000 men, and to take power for its indefinite increase under voluntary enlistment. To remove likewise the limit to the number of the Army Reserve. To assimilate as far

as possible the officers of the regular and of the auxiliary forces, and make them available for interchange. To abolish the privilege of procuring promotion in the army by purchase. To withdraw from the lords-lieutenant of counties all powers and jurisdiction over the Militia, Yeomanry, and Volunteers; and to raise the officers of these forces to the status of Queen's officers. To connect the Army, Militia, and Volunteers, and with this view to place them all under general officers. To create a local connexion between the two first by recruiting them from certain districts, and training the recruits together. To provide a stricter inspection of Volunteers, to require their officers to give proof of their qualifications, and to put this service under the Mutiny Act and the Articles of War, when assembled for training and exercised with the Militia and Regular troops. The number of field guns was increased from 180 to 336, or reckoning those in reserve to 408 guns, a number sufficient for 155,000 men, besides 50,000 Militia and Volunteer artillery. Provision was made to render the fortifications now completed of the arsenals and dockyards efficient by arming them with guns, for the supply of breechloaders to the reserve forces, and the introduction of the improved Henry-Martini rifle. It was stated to be the intention to grant commissions in the army hereafter, partly as the result of competitive examinations, partly to deserving non-commissioned officers and Militia subalterns, while the promotion of the future would be by selection on the responsibility of the Commander-in-Chief, approved by the War Office. It may here be added that, profiting by the experience of the French in the Baltic, provision was made for supplying the navy with a kind of vessel in which it is relatively deficient, namely, that suited for coast defence and coast attack and capable of operating in shallow waters. These will consist partly of sea-going turret-ships of the 'Monitor' class, partly of unarmoured gun-vessels and gun-boats of various descriptions. Reserve guns for the navy are to be prepared to meet casualties, and a certain number of ships suited for the purpose to be armed with a new 35-ton gun, believed to be more powerful than the guns employed by any other country.

It need hardly be observed, that the army scheme of the Government was something totally different from the hacknied expedient of raising men in a sudden fit of alarm to be dismissed in an equally sudden fit of over-security. It offered for the first time a comprehensive plan for the combination and fusion of our different armies into a compact and harmonious whole; for the reconstruction of the system of officering

those forces, and for providing these islands in time of peace with a well-disciplined and well-equipped land force, modest in point of numbers if compared with the armed multitudes of the Continent, but capable of ready expansion in time of war. To enable such a reform to be set on foot, it was absolutely necessary that Parliament should intervene to remove obstructions and intrust new powers to the executive. The Army Regulation Bill accordingly provided—1. The abolition of purchase and the compensation to officers, without which it could not be effected. 2. The extinction of the powers and privileges of the lords-lieutenant in regard to the auxiliary forces. 3. A power to increase the Militia beyond the number fixed by the law as it stood, and to subject it to a more efficient preliminary training. 4. The removal of the statutory limit to the number of the reserves. 5. The application of the Mutiny Act and the Articles of War to the Volunteers when in training. It also empowered the Government, in case of need, to take possession of the railways of the country and of their plant. All the above essential points were carried by the Government, though at an incredible cost of time and of labour. The bill when introduced contained three other provisions, subsidiary but not essential to the execution of the principal ones—namely, a power to the military authorities to transfer men from active service to the Army Reserve after a less term of service than three years; regulations for carrying out a ballot for the Militia in case of resort to such a step; and a permissive power to counties to relieve themselves from the inconvenience of billets by establishing barracks for their militia. These points had to be abandoned in the progress of the bill through the Commons to obviate giving the opponents of the bill the opportunity of defeating it by protracting discussion on its clauses.

The remodelling and strengthening of the army and its auxiliary forces involved a budget providing for an increase of expenditure. Such a measure must necessarily, unless under the pressure of exceptional excitement, be distasteful to Liberal members and unpopular with the constituencies. In the present instance an armistice had been agreed to between France and Germany even before Parliament assembled; and peace was concluded before the Army Bill had passed beyond its first stage. Thus the tide of national feeling, which a few months earlier would with irresistible force have swept away the stronghold of purchase, and floated the budget over every obstacle, was rapidly on the ebb. It remained now for reason, unassisted by sentiment, to carry the measures through the

rocks and shoals of prejudice and unpopularity. Prescription, privilege, vested interests, and vested abuses, gathered courage and mustered for mutual protection. In Parliament, the representatives of the British Army, real or assumed, the half-pay and retired officers, the Militia and Volunteer colonels, became rampant and obstructive, some factious and intemperate; the Tory rank and file, throughout the autumn in full cry for Army Increase, were dismayed by finding themselves confronted by Army Reform. The Liberals, hesitating between a hankering to popularise the army and aversion to military expenditure in time of peace, were lukewarm. The Tory leaders, too wary to commit themselves to an indefensible cause could afford to look on and occasionally fan the flames. Symptoms before long appeared, on both sides of the House, of a disregard of party ties and party discipline, resembling, though less in degree, the anarchy which characterised the Reform Sessions of 1866 and 1867. Mr. Cardwell persevered with indomitable courage and imperturbable temper, enduring, night after night, the 'damnable iteration' of the same bald arguments against the abolition of purchase, interspersed with an interminable succession of propositions—some intelligible, others unintelligible—to vary the terms of the compensation offered to the officers. He was well and ably supported by his subordinates; and the measure, notwithstanding the Fabian tactics of his opponents, at length passed the Commons.

The ill-advised resolution of the Lords which the military instincts of the Duke of Richmond and the recklessness of Lord Salisbury sanctioned, placed the Government in a most embarrassing position. They had three courses before them: 1. To acquiesce in the decision and recommence the fight on the bill next Session. This might have involved to the officers the loss of their over-regulation prices, and would certainly have left the army in a state of uncertainty and discontent during the interval, very serious to contemplate. 2. To ask the House of Commons to vote an address to the Crown after the vote of the Lords praying the Crown to abolish the purchase system. This would have been to put the Lords and the Commons in the most direct antagonism, and to make one House openly supreme. 3. To take the responsibility upon themselves of putting an end to purchase by Royal Warrant. A timid leader would have taken the first course. A second-rate general would have adopted the next. With the nerve and the discernment of a great commander Mr. Gladstone took the bold course, struck a supreme blow, and achieved a

signal success. Purchase was abolished by Royal Warrant; all the flimsy pretences on which the Army Bill had been opposed vanished in air; the Lords indulged in a vote of censure which was attended with even less result than the great Lord Cardinal's curse in the Ingoldsby ballad, and passed the bill.

The Budget was unpopular, and became the subject of decided and repeated opposition. It did, however, no more than restore the income-tax to the point to which it had been raised by the late Government, and at which Mr. Lowe found it when he succeeded to office. Two years of Conservative finance, it must be remembered, not only added 2*d.* in the pound, or, in round numbers, nearly 3,000,000*l.* a year, to the income-tax, but at the same time increased the ordinary expenditure of the country by a still greater amount, so as to create an ordinary deficiency, exclusive of that caused by the extraordinary cost of the Abyssinian war. Mr. Lowe, after the 3,000,000*l.* he has restored to the income-tax, can still boast that his financial administration shows a clear remission of 5,000,000*l.* a year to the taxpayer. In our view those members of Parliament adopted a consistent and straightforward, though shortsighted, course, who denying the expediency of increased or improved armaments as the war had ceased, opposed both the expenditure and the taxation required to meet it. They also pursued a clear and intelligible course who, deeming the expenditure requisite, accepted the consequence, and were prepared to bear the burden. There were, however, others who cried aloud for additional forces and increased armaments, but declaimed against providing the cost; who in fact urged the order for the goods but objected to pay the bill. It was no doubt alleged as an excuse for this inconsistency, that the purchase system being an inheritance descended to us from our ancestors and now to be extinguished, not so much for our own benefit as for the good of those who are to succeed, it would be but just to defray the cost of its removal by means of a loan, or by an equivalent proceeding, the postponement of the payment of terminable annuities. There is force in the argument as far as purchase is concerned, but it forgets or ignores that of the additional taxation of the current year only 600,000*l.*, or a fraction over $\frac{1}{4}$ *d.* in the pound of income-tax, was imposed to provide for the abolition of purchase. Again, there were complaints of the hardship of placing the whole charge upon one class of taxpayers exclusively, and of the severity with which it pinched clerks in the receipt of small salaries and other members of

the lower middle class. But, however just in themselves, these complaints proceeded with a bad grace from the members of a party which had itself three or four years since adopted the course now condemned, and had just materially contributed to the defeat of a scheme framed to obviate that very objection. Our own belief is that the addition of 2*d.* in the pound to the income-tax was on the whole the best means of meeting a passing emergency, and that had it been asked for in the first instance it would have been submitted to without any very serious cavil or resistance. Unfortunately a Government of financiers was already branded with that unpardonable sin, want of success in a budget. The Chancellor of the Exchequer had begun by proposing the ill-starred match-tax, an assimilation in the incidence of probate and legacy duties, and an addition to the legacy and succession duties applicable to near degrees of consanguinity. This scheme was fraught with two blunders which should have been obvious. A match-tax may have been an erratic conceit, the caprice of a mind too ingenious to be always practical, but it was tried and sentenced without benefit of clergy. If it admitted of being collected without undue facility for evasion, or serious interference with the processes of trade and manufacture—as we must assume to have been the opinion of the Boards of Inland Revenue and of Custom—we confess, though it may be heresy to say so, that the proposal does not appear to us as unsound as alleged. It was, however, an error in judgment to propose the imposition of a new duty upon trade and industry, except as part of a scheme for the removal or reduction of other taxes to render it acceptable and to secure support. Mr. Gladstone in all his numerous budgets never laid on a new tax except under these favouring circumstances. Mr. Lowe himself only obtained the gun-tax in 1870 as incidental to a budget of reductions. This year he had no remission or alleviation with which to conciliate anyone, and the threat held out against various heterogeneous interests, whom he conveniently classed together as enjoying undue exemptions from taxation, if intended to frighten them into supporting his proposals, had the contrary effect, and disposed them to oppose the Chancellor of the Exchequer and his Government. The second, and still greater blunder, was the attempt, on the plea of meeting a temporary expenditure, to obtain the creation of a new tax and a permanent addition to another duty likely to endure as long as taxation itself. To crown all, the Government had argued for the original budget from the alleged injustice of raising the whole amount required from one class

of taxpayers, and shown that they required in all to meet the proposed expenditure a sum less by 300,000*l.* than the amount which 2*d.* in the pound would produce. Thus in proposing his second budget the Chancellor of the Exchequer was placed in the disagreeable position of eating his own words, and moreover of appearing to take vengeance upon the House by the infliction of unjust taxation to an amount greater than the public service required.

The task of reforming and organising the *personnel* of the land forces, and of adding to and perfecting their *matériel*, with the financial operations consequent on such an undertaking, was, as we have already observed, a task sufficiently onerous and sufficiently novel to furnish work for the Session. With the addition of a few such measures as the University Tests Bill and an Education Bill for Scotland, which the Government were pledged to introduce and to carry with the least possible delay, and the number of less ambitious but necessary measures which every Session brings with it, the programme of the year would have been a reasonable one. But with superfluous energy, with a febrile appetite for work, or a restless craving after sensations, the Government undertook impossibilities.

The Royal Speech at the opening of Parliament set forth no less than nine great subjects of legislation as the programme of the Session, and suggested a tenth. Over and above this, and exclusive of the finance bills, the technical or other necessary amendment bills, the continuance bills, and the bills the Constitution requires to be annually enacted, the Government introduced substantial measures relating to some thirty other distinct subjects. Some of these were matters of great difficulty, certain to be keenly controverted, and requiring long discussion and careful consideration by Parliament. We may mention as instances, in addition to others to which we have elsewhere adverted, legislation for the Regulation of Coal Mines, also in relation to Metalliferous Mines, a revision of the Game Laws, a bill dealing with the controverted question of Prison Ministers, and another, equivalent to a legal code, in respect of Merchant Shipping.

Such a programme thus followed up, showed one of two things—either the Cabinet in laying out its plan of campaign utterly neglected to take the element of time into consideration, or its chief omitted to exercise due control and superintendence over his colleagues, and the Government had drifted into the state which obtained in kingless Israel ‘when every man did that which seemed right in his own eyes.’ It was no

less an error to open the attack upon so many various powers, interests, and abuses at one and the same time. The one Horatius only slew the three Curiatii, even after they had been wounded, by encountering them singly and in succession. There was a want of knowledge of human nature, and neglect of parliamentary experience in forgetting that the appetite of the country for sensational legislation, and the enthusiasm of parliamentary supporters, both of which had been preternaturally stimulated by a general election of an unusually exciting character, must in time flag. The revival of business and of commercial prosperity of itself tends to contentment and love of ease, and makes men less eager for political strife and for political convulsion. It should likewise have been remembered that the longer a government has remained in office the more circumspectly and warily it behoves it to walk, for it cannot be otherwise than that the impossibility of realising the hopes and expectations of everyone should accumulate disappointments and offences waiting for revenge.

The ill effects of the over-ambitious programme were likewise apparent in this, that many of the measures introduced bore the impress of having been framed without sufficient care and deliberation, while others had to be driven and forced through Parliament at abnormal and inconvenient hours, and without those opportunities for notice and explanation which would in several instances have obviated angry feelings, and by removing doubts or suspicions have secured a just meed of credit to the Ministry.

The Licensing Bill was the most conspicuous failure of the Session, and the most disastrous, in a party sense, to the Government. The subject with which it dealt is one surrounded by so many natural difficulties that it is eminently one which requires what is colloquially, but expressively termed 'threshing out;' and Mr. Bruce, however earnest and painstaking, could hardly be expected to hit off a solution of the problem in a first attempt. At the same time the bill had elements of its own which would probably have wrecked it under any circumstances. It was a curious mosaic, or rather a Chinese puzzle, composed of heterogeneous pieces placed in juxtaposition with a certain amount of ingenuity, but not cohering or dovetailing into each other. It might have been possible, by omitting some of the pieces, substituting some new ones, and freely cutting and carving those that were retained, to have constructed a compact whole out of the materials; but such joiner's work could only have been done by a Select Committee, to which we think the bill might, with a view to the future,

advantageously have been referred. As it was, the days of its pilgrimage were few and evil. It created many opponents and rallied no supporters. It was withdrawn without an attempt to obtain a second reading, and will not be seen again :—

‘*Ostendent terris hunc tantum fata neque ultra
Esse sinent.*’

Negatively the measure has not been without its use. It has proved beyond doubt, if doubt ever existed anywhere out of the Cabinet, that ‘beer is stronger than water.’ It has shown the unity and animus of the brewing and licensed victualler interest, and the weakness and impracticable character of the teetotal party. Must it not be added that the absence of support to the first serious attempt to grapple with the giant evil of Drink showed that in too many instances the clergy and other professed advocates of temperance preferred their party to their cause? Its failure has compelled the passing of a Suspensory Act, which is, if nothing else, a warning to some and a guarantee to others, that the question will be reverted to another year. What the eventual settlement may be we will not now venture to forecast. We are so old-fashioned that we should be content to commit ourselves to Free Trade; to grant a licence to any man of good character occupying decent premises, to continue it during good behaviour, and to trust to competition to secure sound liquor, and to police supervision to enforce proper conduct of the house or forfeiture of the licence under definite and stringent regulations. It is vain, however, to discuss the question in this sense. Public opinion has pronounced against Free Trade and in favour of regulated monopoly; and among the working classes, who are most immediately concerned, are to be found many of the keenest advocates for the reduction of the trade to a minimum, if not for its total suppression. It is probable that during the recess Mr. Bruce will learn from the working of the Suspensory Act the mischief of an appeal to the Home Office respecting the grant of new licences. The information and judgment of a Secretary of State as to the expediency of a particular case must be more imperfect and more fallible even than that of local magistrates. It will probably be found that not unfrequently an unnecessary or improper licence is granted in order to save the local authorities the private or political odium of a refusal and to cast it upon the Government. The objections to intrusting such a power to the ratepayers are obvious, still it might be preferable to leave the decision to a vote of the inhabitants of the locality concerned rather than to concentrate

all responsibility in the Home Office. Such a scheme is, it need hardly be pointed out, fundamentally different from the principles and tenets of the Permissive Prohibitory Alliance. The Alliance would put it in the power of the majority to prevent the minority from obtaining any drink; the plan suggested would secure that right to the minority, while empowering the majority to protect themselves against such a multiplication of tippling shops as to become a mischief and a nuisance to the neighbourhood.

Mr. Goschen's ambitious scheme for the reconstruction of Local Government and the revision of Local Taxation was embodied in two elaborate bills. It was a scheme of great ability, an attempt to bring order out of chaos. At present there exists a confusion of areas, authorities, and rates. Of one thing Mr. Goschen may feel confident, that if his bills never become law, they will prove the quarries from which materials for legislation will be hewn. The three striking and novel features of his scheme were, to popularise the character and increase the efficiency of rural institutions by the establishment of parochial boards, presided over by an elective chairman, and furnishing representative members to be associated with the magistrates in the administration of county affairs; to give a measure of relief to tenants by a division of rates between owners and occupiers; to give a boon, especially to urban ratepayers, by the surrender of the house-tax to local authorities in aid of local taxation. There were also provisions for subjecting to rates certain kinds of local property, such as mines, woods, and game, which, through a caprice of legislation, have hitherto been held exempt; for the assessment on a higher scale of country gentlemen's residences; for the collection of all rates as one consolidated rate, and for the simplification of the areas of local taxation. There was, unfortunately, no opportunity for the discussion of the scheme in Parliament. So vast a subject, involving such complicated questions as the incidence of rates upon various kinds of owners and of occupiers, and their effect upon rent and upon wages, deserves, seeing that local expenditure now amounts to 36,000,000*l.* a-year, an amount which, omitting the charge for all the national debt, almost equals the imperial expenditure, no less attention from statesmen of the first rank than imperial finance. It is idle to think that it is to be disposed of in Parliament by the head of a subordinate department and a certain number of country gentlemen as though it were a turn-pike trust, but must be earnestly taken up as the work of a Cabinet and of a Session.

Instead of this the scheme was only discussed by Chambers of Agriculture, and that hastily, often without having the bill at all before them, always with an imperfect knowledge and understanding of its proposals. It disappointed these self-constituted parliaments because it did not give the country squires and others who agitate for a revision of local taxation, either of two alternatives, to be found written in their hearts; namely, the rating of personal property, or the transfer of some considerable portion of local burdens to general taxation. Mr. Goschen proposed to satisfy the last demand by the converse principle of surrendering an imperial tax to the use of local authorities. He did not succeed because, in offering the house-tax, he gave the relief, not to the country that asked for it, but to the towns that did not. Having regard to the character of the applicants, a surrender of the assessed taxes, or rather of the licence duties now substituted for them, would probably have been received with more favour. County magnates feared and disliked the bill both from a pecuniary and a political point of view; they evinced, moreover, a nervous anxiety lest the tenant-farmers and small freeholders should be captivated by some of its provisions, and exerted themselves to commit their several chambers of agriculture and rural clubs to a summary condemnation of the bill. Some of these bodies, nevertheless, approved considerable portions of the measure, while in most of them there was a favourable minority.

The offer of a division of rates between persons asking relief from rates, sounded too much like the memorable Tory proposal to meet the demand for religious equality in Ireland by making a fresh distribution of Church property between its then holders; nevertheless such an arrangement would on reflection be found to be of substantial benefit to the tenant. It would place him on a more independent footing towards his landlord, and it would save him from having to bear the entire burden of a new rate between one adjustment of his rent and another. It would be attended with the further advantage to both landlord and tenant, that it would remove the double discontent engendered by the conviction now entertained by each, that upon him falls the whole charge of the rates, while it would give both an immediate interest in keeping down the old and resisting the imposition of new rates.

The vast ramifications and intricacy of this long-neglected subject, and the prejudice and ignorance respecting it that prevail both among public men and in the country generally, point to the need of a comprehensive survey and thorough ventilation of the questions involved before satisfactory legislation can be

hoped for. A Royal Commission of inquiry would be a useful preliminary. A report from such a body would do for the remainder of these local matters what the Report of the Sanitary Commission has already done for one branch thereof. The statements of a neutral body would be accepted by all parties with a degree of confidence not attaching to Mr. Goschen's elaborate Reports, which have been suspected of being tainted with partisanship. A Commission would supply a digest of law and of fact which would constitute a platform which all parties might agree to take as their point of departure in the consideration of the subject.

We say this impartially, for we do not hold with the thorough-going advocates either of rated or unrated property. We believe the case of the champions of rateable property to be, so far as ancient burdens are concerned, due regard being had to the fact that they acquired the property with its liabilities, grossly exaggerated, if not altogether fallacious. We hold that they have a case, if, as they allege, new burdens for purposes in which the whole nation, or at all events all property is alike concerned, are imposed exclusively upon a part variously estimated at from one-fourth to one-sixth thereof, unless it can be shown that unrated property in some other way is made to bear corresponding burdens which do not fall upon rateable property. Be this as it may, no class and no party ought to object to an inquiry which would have the effect either of dispelling a delusion if there be one, or of leading to an equitable distribution of charges. The Government, it would seem, should be the last to object to such a course, for it is especially important to a Liberal Administration, whose acts and intentions are regarded with mistrust by any section of the community, to endeavour to disarm that suspicion, however unjust they may feel it to be, before proceeding to legislate.

The Parliamentary and Municipal Elections Bill as it was officially, the Ballot Bill as it was more briefly designated, from that which formed its pith and marrow, was, as a whole, a well-conceived measure for the object proposed. It was, however, necessarily a bill of much minute detail, and, like too many other Government measures, had not received that *limæ labor* which is as necessary to a finished bill as to a finished poem. Instead of being welded into a compact mass, its texture was loose and easily penetrated by objections and amendments. It was discussed with great prolixity, and innumerable divisions, as is well known, were taken upon it. The object, doubtless, of some of the opponents was to make the best of the bill, and of others to defeat it by time; and, in a sense, these last succeeded.

That they did not accomplish their darling object of compelling the abandonment of the bill by the Commons was due to the firmness and patience of the Government, and to the self-denying ordinance against speaking adopted by an united party. The Ballot Bill is hardly to be reckoned among the failures of the Session, for the time and labour devoted to it have not been lost. It may be looked upon as conclusively settled that elections shall be taken by ballot, and by ballot of the most absolutely secret description that can be devised. The arguments for and against such a system have been thoroughly sifted and weighed, and the machinery by which it can be carried out so carefully examined, that the task of the House on reverting to the subject cannot but be greatly lightened. The opinions of this Journal on this subject are well known. We recently expressed our view that the efficiency of the Ballot for the purpose intended is greatly over-rated, and our doubts as to the practicability of insuring such complete secrecy as its advocates desire. Nothing that has since occurred disposes us to retract the opinions we then offered. While, however, we cannot share what we deem to be the Utopian fancies of the thorough-going believers in the Ballot, we are as earnest as any in condemning the evils that have prompted the demand for its adoption. Intimidation and corruption are vices which spread deeply and widely, and the mischief of which reaches beyond the electioneering crisis in which they originate—

‘Hoc fonte derivata clades
In patriam populumque fluxit.’

The sudden extension of the franchise to classes of voters, many of whom are in dependent circumstances, has for the time increased these evils, and given a fresh stimulus to the cry for protection to the voter. That cry, moreover, now proceeds from county constituencies as well as from boroughs. No one feels the longing for shelter more than the little village shopkeeper whom the 12*l*. rating-clause has enfranchised. Any one acquainted with rural life knows how dependent and timid a creature he is; how he has to beg for custom, and how, year by year, as roads and railways improve, his few customers find they can better supply their wants from some neighbouring town. The village blacksmith, wheelwright, and carpenter are not much better circumstanced. To all these the Ballot presents a bright vision of relief from pressure and from the apprehension of suffering pressure or giving offence. Altogether we are not surprised at the eagerness with which the

Ballot is sought as a panacea for electoral evils by some, whilst others of a less sanguine temperament and less implicit faith may think it right to grant a trial to a remedy of the efficacy of which so many are profoundly convinced. For our own part, although we cannot profess the creed of the ballot-worshippers, we do not partake in the dread with which its approach is regarded by some of its opponents, and can view without alarm the experiment which the nation has apparently determined shall be made. Moreover, whatever may be its immediate effect in superseding publicity, that effect will not be permanent. Secret voting is not destined to be the practice of the 'Coming Race,' or even of Mr. Maguire's 'Next Generation.' The greatest value of the Ballot will perhaps be found to consist, not in the actual protection it will afford, but in that it will militate against and tend to extirpate the idea now deeply rooted in the minds of so many both of the superior and of the inferior grades, that one man has a right or claim to command the vote of another. With the extinction of that idea, and the steady growth of actual independence, the craving for protection will pass away, and then, whatever may be the legislative provisions in force, voting will practically become as little secret in England as it already has in America.

We adverted in the earlier portion of this article to the proposed settlement of the disputes between this country and the United States. Although such a treaty does not, under our Constitution, require the formal ratification of Parliament, yet the amount of care and of labour the negotiations connected with it must have imposed upon the Cabinet, and the approval, not less emphatic because undisputed, accorded to it by the Legislature, call for more than a passing allusion in a review of the events of the Session.

The Treaty of Washington will, we trust, prove a landmark in history, not merely on account of the immediate advantages attending it, but as indicating the growth of a healthier international policy. Amid the tremendous wars and high-handed acts of violence that have occurred of late years, so conspicuous a recognition of the wisdom of preventing or terminating differences by arbitration, acquires a signal value. Every point thus disposed of, whether between nations of equal power or between a weak and a strong country, makes a good precedent, and constitutes a favourable omen for the future.

The Treaty of Washington is, however, distinguished, if we mistake not, in this, that two great nations equally proud and equally sensitive have now set the example of submitting to

arbitrators freely and impartially chosen, who are to constitute at once a court of law and a court of honour, no mere isolated question of disputed right, but an entire case, or rather a group of cases, in which the interests and feelings of both are most deeply touched. It is an advance towards conducting relations between nations on principles similar to those which the laws of civilised States prescribe to their citizens in the relations between individuals. It tends to a condition of things in which a recourse to war to determine a difference shall be looked upon, as duelling happily now is in England, as an act of folly and of wickedness. To the Government of this country belongs the honour of having initiated the negotiations which led to this auspicious result. England has been the world's leader in the diffusion by precept, and the realisation by example, of more than one great idea that has influenced history. She was the foremost to abolish slavery; she has more recently been the pioneer of free commerce. Let us hope that it may be given to her to point the way to a higher and happier international policy, and thus establish one more claim to the gratitude of mankind, and worthily uphold that which Milton aptly termed

‘Her noble precedence of teaching nations how to live.’

The unpopularity of the Budget, the rejection of the Ballot Bill by the House of Lords, the miscarriage of some of the Government measures, and the necessary withdrawal of a host of others, and notably of the Scotch Education Bill, threw a general character of failure over the Session, and, at all events for a time, obscured its great and marked successes. Nor were other causes of irritation and disappointment wanting, several of which we have already noticed, and need not revert to. Early in the Session the scheme of appointing a joint Committee of both Houses to consider the subject of Indian finance, was marred by the indiscreet arguments advanced in its favour. The proposal for a Committee to take evidence respecting the existence and character of the Ribbon Society in Westmeath, instead of laying the case of the Government directly before the House and asking for the desired powers on the responsibility of the Cabinet, bore the appearance of timidity and of vacillation. The proposal in the first instance to make that Committee a secret Committee, subsequently pared down to an intimation that the Committee might, if it thought fit, itself ask to become one of secrecy, eventually altogether abandoned, was still more unfortunate. Considering the determined courage evinced by the Ministry in other

matters, we are disposed to believe that the idea of having a Committee at all originated, not in any undue shrinking from responsibility, but in an over-sensitive regard for Constitutional rights in dealing even with such a conspiracy as that of Westmeath, but it was not the less a conspicuous error in judgment.

The ill-advised multiplicity of measures that hampered each other's progress, and the protracted resistance encountered by the foremost, led to unusually late hours, and to encroachments, not unfrequently enforced with a high hand, on the time allotted to private members—circumstances which engendered fatigue and irritability. Again, the Administration seemed possessed with a nervous fear of not keeping up with the extreme wing of their party, which more than once led them into difficulties. Such an endeavour on the part of a Government, however determinately Liberal, is vain and idle. The advanced Radical's *raison d'être* is, that he must and will be in advance of the present; but a responsible Minister must live and act in the present, and not in the future. It is his task to till the legislative soil, and to sow and to reap the harvest for the well-being of the community, not to emulate the backwoodsman of the party, who will always plunge deeper into the jungle as cultivation approaches.

Having recognised to the full, and criticised without sparing, the blunders committed and the provocations given by the Government, we are bound to add that, on the whole, they were more sinned against than sinning; and that much of the spirit and character of the opposition they encountered admits of no justification. A hopeless minority—not a party, but a clique—resolutely attempted to wear out the patience of the House, and to baffle the progress of public business by consumption of time. The latitude of debate, and the vast privileges which the rules and forms of the House permit to a minority, were used and abused for this purpose in a manner almost, if not entirely, unprecedented in parliamentary history.

In January of the present year some pages of this Review were devoted to the consideration of the conduct of business in the House of Commons. The block which occurred last Session has since come to illustrate and add force to many of the observations we then offered, and has produced no inconsiderable amount of feeling both within and without the walls of Parliament. Indeed, the character of the House as a practical assembly has been compromised, and its competency under present regulations to the discharge of its ever-growing functions seriously impugned. So much has this been the

case that, should further cause be given, Parliament, which has reformed the constituencies, may find itself somewhat rudely and peremptorily called upon to reform its own internal constitution.

The rules of Parliament are in the main unquestionably founded in wisdom; they combine with singular completeness absence of confusion in the multiplicity of motions which are made in so numerous an assembly, with flexibility to meet a sudden emergency, and free scope for bringing forward every opinion and testing the sense of the House upon it. Homage has been rendered to their merits by their adoption in other countries, where they have been made the basis of the rules of numerous legislative assemblies. The States of the North American Union retained or followed them when they separated from the mother country. Mirabeau selected them as the model of the first rules of the National Assembly, at the beginning of the French Revolution. Again, when a charter was granted by the restored Bourbon king in 1814, they were adopted with certain modifications. It would be interesting to note the divergences from the original forms in different foreign countries, and to compare them with the changes they have in the same time undergone in our own. It would be curious in such a study to observe, on the one hand, national characteristics, and on the other to trace the effect of the forms of ruling assemblies upon the laws and history of a nation. We are disposed to think that a careful investigation would show that the forms and practices of such assemblies have an influence upon legislation scarcely inferior to that depending upon their composition. The methods of procedure in the French Assembly were adverted to in the article already mentioned, and do not here call for further observation. The changes made by Congress show the inclination to summary proceedings, and to the assertion of the right of a majority to silence, or, as Americans would express it, to 'shut up' a minority, without any overstrained regard to its feelings, which distinguish our republican kinsmen. According to the evidence given before the Committee of the House of Commons which sat in 1848, by Mr. Curtis, formerly a member of the House of Representatives, the Americans have in practice reduced the number of stages for debating or opposing a bill. At Washington a bill is rarely discussed on its introduction; the first, and usually the second reading also, are taken as of course, and it is referred, according to its subject-matter, to one of the Standing Committees of the House. It is there considered both in principle and in detail, as a private bill is with us by the com-

mittee on the group or class to which it belongs. The debate and the struggle on the bill in the House is reserved for the third reading. The House of Representatives and many of the State legislatures have, by what is familiarly known as the 'gag-law,' limited the duration of a speech to the space of one hour, whether in the House or in Committee. Moreover, according to Mr. Curtis, in Committee, in contradistinction to the practice that prevails here, no one may speak more than once, except the mover of an amendment, who is allowed a reply. The American majority is armed with a weapon more powerful than the *clôture* of the French Assembly, by which to force a debate to close. In France the *clôture*, if carried, applies only to the question immediately before the Assembly. For instance, if moved and carried upon an amendment, it obliges a vote to be taken at once without discussion upon that amendment, but it does not preclude any number of other amendments, or bring the main question to an issue. In America a member may always 'demand the previous question.' If the majority second him, the question is put without any debate being allowed. If carried, the effect is that the Speaker forthwith proceeds to put the question on all the amendments to the bill in due succession, and then the main question in relation to the bill itself, all without debate.* No less decisive a mode is provided for bringing a 'committee of the whole' to a term. When the House considers that it has had a reasonable time for the consideration of the bill, or other matter referred, an order is made for the immediate discharge of the Committee, or an hour and a day are appointed when the Committee shall be discharged, after disposing, without debate, of all amendments before it. In such a case the Committee, when the fatal

* It will be seen that the 'previous question' has a different meaning and object in America from the same motion in this country. The motion ordinarily employed in the United States to answer the purpose of the 'previous question' with us, viz., to lay a bill or motion by avoiding the expression of a judgment upon it, is 'that the bill do lie 'on the table,' or, colloquially, 'be tabled.' This is a motion taken without debate. The 'previous question' was formerly resorted to in America for this purpose, but it was then used in a negative form, 'that the question be not now put,' which expresses the intention of the mover more directly and intelligibly than the affirmative now employed in the House of Commons. The form in use in the House of Lords, 'whether the question shall be now put,' and the old ones used by the Commons, 'whether the bill shall presently be put to 'question,' or 'whether a question shall be made of it,' also appear preferable to their modern form.

hour has struck, proceeds to vote upon all amendments without discussion, only the mover of each amendment being allowed five minutes by the clock for explanation.

Imagine the effect if such rules had been in force in England in 1871! How the House might have been tempted to make short work with the colonels and majors who, in the spirit of *La garde ne se rend pas, la garde meurt*, so pertinaciously resisted the abolition of purchase; how different might have been the fate of the Ballot Bill. Conceive, too, how ruthlessly the pet schemes of enthusiasts, such as Permissive Prohibitory Liquor Bills, *et id genus omne*, might be stamped out and annihilated. It should be added that, according to the American practice of dividing, there is no record of votes given in Committee of the whole House; so that members vote without the fear of constituents before their eyes. Even in the House itself no division lists are made or kept, except on important occasions, when a 'division by yeas and nays' is demanded. These are then ascertained, in the manner by which votes are taken in Select Committees of our Parliament, by the clerk calling the roll of the House, and noting the answer of each member.

We do not wish to see any such revolutionary changes introduced at home. We gladly recognise that respect for the views of minorities, regard for individual opinion, and appreciation of individual independence, which, though occasionally attended with inconvenience, are among the glories of freedom as understood and practised in this country. The vast difference between the constitution and functions of our Parliament and those of foreign assemblies has been often pointed out. The British Parliament, particularly the popular branch of it, is charged with the most multifarious duties. It is the elephant's trunk, prepared at any moment to rend an oak or pick up a pin.

Much of the business that comes before Parliament is of such paramount importance and interest that it could not be exposed to the risk of being disposed of by short cuts and abrupt conclusions, as might the discussions of a debating club. On the other hand, this circumstance renders it doubly incumbent on the House to beware lest it degenerate into an arena for the display of loquacious and unseemly contests, or a platform for the delivery of theoretical essays and professional lectures. The veriest stickler for adherence to ancient forms must admit the necessity of their occasional revision, and will hardly deny that the modifications which have been from time to time introduced savour in the highest degree of the cautious and tentative spirit of constitutional Old England.

The majority of the Select Committees appointed at various times to consider the rules and practice of the House of Commons do not appear to have been very happy or very successful in their recommendations. Last Session another such Committee, *e pluribus unum*, for the shelves of the library already groan under the reports of its predecessors, was nominated to take into view the best means of 'promoting the despatch of 'public business.' Its Report will contribute little to that desirable end, for it contains only one proposal of any value, and that a mutilated one, which is likely to be adopted. The machinery of the House is, as everyone who has at all watched its proceedings must be aware, incredibly clumsy and defective in this respect that it is utterly uncertain at what hour a given subject will be entered upon, or whether it will even be approached on its appointed day. This uncertainty is ordinarily due to the unrestrained latitude of debate, which renders it impossible to foresee how long the preceding subject or subjects may occupy, and in rarer instances to the exercise of the privilege of 'interpolating' some totally unexpected question in an earlier part of the sitting. The consequence of this state of things is that the passage of many a desirable measure is frustrated by protracting debates on other matters, either designedly or undesignedly, until an hour at which physical exhaustion has incapacitated the House from taking them up. The evil, however, culminates in connexion with the consideration of the estimates. On the plea of the old constitutional maxim that grievances should precede Supply, every kind of motion is made and every kind of subject discussed on going into Committee of Supply. That this is a modern perversion of an ancient practice was clearly shown by Sir T. Erskine May in his evidence before the Committee of last Session. The Committee did not venture simply to recommend a return to the original custom under which such motions were limited to *bonâ fide* grievances and questions of actual urgency, but Mr. Lowe submitted a new proposal. He advised that on any night, except Friday, on which Government Orders take precedence and the Committee of Supply stands as the first Order of the day, the House should, as soon as the Order for Committee had been read, resolve itself into such Committee. The effect would have been to substitute a weekly for a daily discussion of the so-called grievances on going into Supply. The change would facilitate a fuller and more careful investigation of the Estimates, inasmuch as it would be known for certain that if set down as the first Order of the day they would without fail come on, and members interested would be prepared

and in their places. The Committee seems, however, to have looked upon this as too bold an innovation, and it was accordingly pared down to a recommendation, based on no apparent principle, that the alleged constitutional right should be suppressed on Mondays, but on Mondays only.

Sir T. Erskine May ventured upon a suggestion for expediting the business of the House by a division of labour, which appears to have so paralysed the Committee that they were unable to entertain it at all. Yet it was not a new-fangled device, but a revival of an ancient custom, venerable from a practical disuse of two centuries, but which had subsisted in name down to the year 1832, and a scintilla of which still survives in the formal appointment of a non-existing Committee of Privileges. It was nothing less than the appointment, at the commencement of a Parliament or of a Session, of Committees on certain classes of subjects, resembling the old Grand or Standing Committees which were formerly part of the organisation of the House of Commons. According to this idea, there would be a large Committee, composed, mainly or in great part, of members having a practical knowledge of commerce or representing mercantile and manufacturing constituencies, to which bills relating to trade would be referred; to another such Committee, appropriately constituted, would be consigned bills relating to agricultural or rural affairs. To a third, composed of members qualified by legal knowledge, would be remitted the law bills, and so forth. In these Committees reporters would be present, and business and discussion would be conducted as in a Committee of the whole House, for which it was hoped they would, in the case of many bills, prove a sufficient substitute. It was expressly stated that the suggestion would not be applicable to great measures, the *pièces de resistance* of a session, or to bills of a party character, which could only be satisfactorily dealt with in a Committee of the whole House.

The idea deserved more consideration than it appears to have met with, but it is obvious that there would be a great difficulty in nominating these Grand Committees. The party having a majority could not be expected to forego its advantage and to consign its important measures to such a committee, if composed, as Select Committees now are, of an equal number of members from each side of the House. On the other hand, a division of the entire House, according to a suggestion of Sir T. Erskine May, into, say, six large committees on special subjects of 100 or 110 members apiece, would produce this result, that the majority of the House would find itself in a perma-

nent minority in some of the committees, and all its measures on certain subjects at the mercy of opponents. There would also be the danger of interminable debates, as to the kind of committee a particular bill should be referred to, and again, whether, having passed through a Grand Committee, it should or should not be further committed to a Committee of the whole House.

The fact is that neither the ancient Grand Committees nor Committees of the whole House were in their inception devised to expedite the passage of bills or to facilitate the transaction of business. Grand Committees had their beginning in the first Parliament of James I., when the House of Commons was entering upon its long struggle with the Crown, and were in the first instance only large Select Committees to consider subjects or grievances of special interest. As the struggle with the Crown grew in intensity, recourse was had more and more to Large Committees, and they were made permanent. Members found in a committee shelter from the influence and power of the king. They were not, as in the House itself, under the eye of the Speaker, the Serjeant-at-arms, or any other officials appointed by or dependent on the sovereign; they chose their own chairman, and their proceedings were not officially recorded. The advantage proved so great, that the expedient was before long resorted to of converting the House itself nominally into a Committee, appointing all the members of the House, except Mr. Speaker, members thereof; and this step was the origin of the present practice of Committees of the whole House.

The simplest solution of the difficulties above indicated would seem to be to refer matters not of primary or party importance to Committees of the whole House, authorised to meet and adjourn like Select Committees at hours independent of the House. Further, notwithstanding the apparent anomaly of the proceeding, it might be found possible and convenient to allow more than one Committee (or Sub-Committee, if that designation were preferred) of the whole House, to sit in separate rooms at the same time, leaving it to members to select for themselves day by day which one of the different sittings they chose to attend or take part in.

This is not the place to enter into a consideration of the ameliorations which might be made in the forms of Parliament. Such questions are too technical to be of general interest, and the necessary exposition of arguments for and against each would occupy too much time and space. It will be enough here to indicate some points to be attacked in any such attempt

at reform. It would appear no undue curtailment of opportunities for debate to make it a rule that the principle of a bill should be discussed either on the second reading or on the motion for going into committee, but not upon both these occasions. There are, no doubt, means by which a debate on the entire bill may be raised in Committee, as the experience of last Session has shown, but a resort to these is unusual, and it is so well understood that they are reserved for an emergency that there is little fear of their being abused. In the case of bills to which no amendments are proposed, it may be worth while to save a stage altogether by adopting the present practice of the Lords, and negativing their committal. This was also, as the pages of Hakewell and the records of Parliament testify, an ancient custom, although it long ago fell into disuse. The chance, slender enough at the best, for a private member to carry a bill through the House might be materially enhanced by a slight re-arrangement in the order of business. At present Wednesday is the only day in the week on which the orders of private members have precedence; but it is, unfortunately for them, also the day on which, in accordance with a custom introduced in 1846, the House meets in the morning and adjourns by order at six o'clock. Hence an almost irresistible temptation is presented to opponents to 'talk a bill out.' This drawback would be obviated by returning to the original practice of meeting on Wednesdays in the evening and sitting to an indefinite hour; if this be thought too heavy a burden, or to involve too great a risk of a count-out, the difficulty might be met by exchanging the course of business on Tuesdays and Wednesdays. By the existing rules, the notices of motions of private members have precedence on Tuesday nights. The bills, if taken on Tuesdays, would not be exposed to the same risk of being defeated by time, while to the motions transferred to the Wednesdays, inasmuch as their object is to elicit opinion by discussion rather than to obtain an immediate result, the danger would be of comparatively little consequence.

The monster evil of the absence of all certainty when business will be taken has been already dwelt upon. Perhaps the greatest advantage attending the recent increased resort to morning, or rather to afternoon, sittings, is that they palliate this mischief. Some business is appointed to be taken at two o'clock, and other business at nine in the evening, and thus far members know when to attend, and when they may absent themselves. Two o'clock is, however, an inconveniently early hour to members engaged in professional or private avocations, or serving on committees, to members of the Government,

and to officers of the House. All the advantages and more of an afternoon sitting would, it seems, be secured by dividing an evening sitting into two acts. The House would then meet at the usual hour of four, Government business being appointed to be taken up to nine o'clock, and that of private members from after that hour. The number of hours sitting would remain the same, but the risk of a count-out, which so often occurs when the House is expected to reassemble at nine after an interval of two hours, would be materially diminished. The uses and abuses of the unduly privileged motions for 'the adjournment of the debate,' and the 'adjournment of the House,' imperatively call for reform. More disputes arise upon the somewhat hazy rules of order connected with them than upon any other questions. The motion to adjourn the House, made as an original motion, is a ready instrument by which any man who has found a mare's nest, or has an unseasonable eratchet to air, can intercept the business of the evening. Taken in combination, these two motions are the tools by which a worn-out contest may be indefinitely prolonged by a factious minority, or a wrangle reduced to one of those boyish trials of obstinacy or of physical endurance, which tend to bring Parliament into ridicule and disrepute. Common sense prescribes that the discussion on each of these motions should be strictly confined to reasons for and against the proposed adjournment. The very natural suggestion has been made that if a motion for the adjournment of the debate has been made and negatived, the House should be bound by its own decision to dispose of the matter in debate in the then sitting. The answer has been that in an assembly of which a very small proportion constitutes a quorum, and where the numbers in attendance fluctuate so greatly from hour to hour, such a power would lead to conspiracies and surprises. The objection would be obviated and the desired result in a measure secured by a rule providing that if the motion were once negatived by a preponderating majority, such as two to one or five to two, then the decision should hold final; even then a *locus pœnitentiæ* might be kept open by a reservation that if subsequently to such a decision it should appear to be 'the pleasure,' i.e., the unanimous consent, of the House to adjourn the debate, that course should be admissible.

Another hope of expediting business lies in the possibility of delivering the House of Commons from some portion of its labours, and to this its attention should be earnestly addressed. In an article entitled 'The Private Business of Parliament,' which appeared in this Review at the commencement of the

year 1867, we enumerated a long catalogue of matters formerly the direct subjects of legislation, which had gradually been altogether or almost eliminated from Parliament and intrusted to commissioners or other officials. We at the same time made divers suggestions for dispensing with the necessity of private bill legislation in some matters, and simplifying and abridging it in regard to the remainder. Several of these suggestions we have since had the satisfaction of seeing adopted by Parliament. The House of Commons has, at the same time, with great advantage to itself and to the parties concerned, transferred the trial of election petitions from its own body to the judges of the land. Still the pressure upon the time and attention of Parliament for the discharge of duties which are rather judicial or mediatorial in their character than legislative, is overwhelming. One hundred and seventeen public Acts were passed last Session; but the number of private Acts was not far short of double that number. In the last eight years, the Royal Assent has been given to upwards of 2,000 such measures, while the number proposed for the consideration of the legislature may be reckoned at 3,000. Surely the time has come when a greater effort than has yet been made should be attempted to relieve Parliament from these onerous duties, to the discharge of which it is but imperfectly adapted. Two reasons point to this conclusion. One is the growing pressure of other and more important senatorial business; the other is, that experience has greatly modified men's ideas as to the importance of public works, more especially of railways, and in regard to the compulsory purchase of private property for their execution. The expropriation of private owners for such purposes is no longer the battle-field of gods and of giants, of territorial magnates and leviathan speculators fighting as if for existence; it has rather become a matter of arbitration as to terms between parties, all of whom are desirous of seeing the enterprise carried out.

We think, then, that the time has come when private bill legislation may be altogether put an end to. Bearing, however, in mind the just jealousy which the public feel respecting the concession to private persons or to companies of extraordinary powers, privileges, or monopolies, we hold that an ultimate control or appeal must be reserved to Parliament. If anyone for a moment doubts this, let him call to mind the excitement that has within the last few months prevailed with respect to tramways, and that which raged a very few years since on the subject of the supply of gas to the Metropolis. Nor is there any security that the public interest in a subject

which has long slept may not be suddenly revived. The settlement of inclosures was many years ago transferred to a body of commissioners, subject only to a final approval by Parliament of their proposals, an approval which had become almost a formality, till some proceedings of the commissioners drew attention to the course they were pursuing; and thereupon their conduct, and the policy they administered, became the subject of severe criticism, and evoked in several instances the corrective action of Parliament.

We suggest that promoters of undertakings, and all persons or local bodies seeking powers or privileges, should be required to proceed only by provisional order, or rather by certificate, as under the Railway Construction Facilities Act of 1864; and no longer by private bill. Application for such order or certificate should be made to a permanent tribunal appropriately constituted for this purpose, and so composed as to command the highest degree of weight and respect. The sittings and inquiries of this tribunal should be held in the Metropolis, in Edinburgh, in Dublin, or in the locality concerned, or partly in one and partly in the other, according to circumstances. All its proceedings should be public and carried on in open court. It should be affiliated to, or *en rapport* with, some official department, probably the new Local Government Board, whose chief would be looked to to answer questions and give information respecting its proceedings to Parliament. The order and certificate applied for, whether approved or disapproved by the tribunal, should be laid upon the table of each House successively for a given number of days: the decision of the tribunal, if not appealed against within that time, would become final. If appealed against, the case would, if the House saw fit, be sent for a rehearing to a Parliamentary tribunal. This Parliamentary tribunal should be a Joint Committee of Lords and Commons, constituted and conducted as recommended by the Report of the Joint Committee of both Houses named at the head of this article. The certificate, approved, amended, or disapproved by this court of appeal, would be again laid upon the table of each House in succession; and, unless either House made some especial order thereon, would, after a given number of days, if approved, acquire force of law; if disapproved, be lost for the Session.

It is eminently desirable that Parliament should, with a view to the despatch of business and to the maintenance of its own character, earnestly address itself to the double task of amending its machinery and relieving itself of any functions which it can find other bodies as well or better qualified to undertake.

It is, however, good government, not an annual deluge of sensational measures, which the country desires at the hands of its rulers. It is not quantity, but quality in legislation, which it seeks. We trust the Ministry will have learnt the lessons of the past Session. If next year sees the several departments of State satisfactorily administered, a reduction of taxation, a Scotch Education Act, the licensing question settled on fair terms, a Mines Regulation and a Ballot Bill passed, there will be little ground for complaint, and the Administration may not only regain but add to its former popularity. We have freely criticised the recent conduct of affairs by the leaders of the Liberal party. It is more agreeable to render tribute, as we can most sincerely, to their earnestness, courage, and determination—virtues which our countrymen have ever highly honoured and appreciated in public men. They displayed these qualities in persevering with their plan of Army Reform against the influences of power, rank, and wealth, although the popular tide had turned and left them almost stranded; they displayed them in a still higher degree in not shrinking from unpopularity and reproach, and sturdily refusing to yield to the temptation of entering upon the downward course of casting the burdens of the present upon the future: they displayed them further in their firm attitude on the Ballot Bill, and their readiness to encounter the labours of an autumn Session rather than surrender the measure. We hope they will be not less firmly exerted in refusing to dally with the unreasonable demands of Irish agitation, against which we rejoice to see that Mr. Gladstone has on a recent occasion taken so deliberate a stand. When the passions and disappointments engendered by the Parliamentary struggles shall have subsided, the Session will be judged and remembered, not by its failures, but by its successes. It will, we trust, be remembered as the Session which saw the foundations of a system of military defence, adapted to modern exigencies and to the habits of this people, laid deep and strong; which saw the Universities wrested from a Church, and rendered up to the nation; which saw the elector's right to record his vote unchallenged and unmolested, formally recognised and virtually secured. It will be remembered as the Session which saw a settlement initiated by English statesmen bidding fair to inaugurate a new era of international policy, receive the approving verdict of the British Parliament and of the representatives of the American people. When the results of the Session shall have come to be fairly and impartially judged, so likewise will the course of Mr. Gladstone's Government. The judgment pronounced will, we believe, be

that their conduct in persevering with their military and financial policy, notwithstanding its temporary unpopularity, was patriotic and statesmanlike.

It has been the distinguishing glory and good fortune of this country that it has, on the whole, been ruled by sober reason, and not by popular impulses or the instinct of a blind and stubborn Conservatism. To the Liberal party this glory especially attaches, for it has swayed the destinies of the country during an epoch of unparalleled greatness and prosperity. Occasions have not been wanting when reason appeared in imminent danger of being overruled by the humour and clamour of the day, or baffled by the inert resistance of stolid prejudice and ignorance. There has, however, hitherto been always found amongst us such a fund of sober common sense that the reflecting portion of the community has, in the long run, never lost its prevalence over the unreasoning or the impulsive. To this it is due that the political course of the country has been uniform and steady; that we have in all our changes escaped the sudden shocks and oscillations to and fro to which more short-sighted or more passionate nations have been subjected, and that, in a long career of progress, there has been no reversal of, and no attempt or desire to reverse, any step once taken in advance. That which we have witnessed during the late Session has been in the main one more passing phase of an oft-repeated struggle. Calm reason and the impulse of the hour found themselves in conflict; the latter prompted ease and present indulgence, the former counselled exertion and self-denial. The contest has been once more decided in the manner most creditable to the character of the nation and most conducive to the stability and welfare of the Empire.

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